

farmland preservation report

*Covering the policies, practices and initiatives
that save farmland and open space*

Since 1990 • Deborah Bowers, Editor

Land trusts learning to deal with farming operations

PACIFIC GROVE, CA — Many land trusts are learning the particulars, sometimes the hard way, about preserving land that is used for agriculture, according to participants in a workshop at the Land Trust Alliance Rally held in October near Monterey, California.

The four-day rally, held at a rambling conference center campus just steps away from the surf attracted 880 registrants representing 440 organizations and agencies. Dozens of concurrently running workshops focused on legal, organizational, financial, technical and political matters related to preserving land in perpetuity.

At a workshop titled "Drafting Agricultural Easements: Dealing with Resource Conflicts,"

participants discussed the difficulties in achieving the common goals land trusts have in protecting parcels where agriculture is the present and prevalent use.

Story Clark, director of protection for the Jackson Hole Land Trust and workshop panelist surprised many listeners in describing how her organization drew up restrictions limiting the size of buildings as well as certain activities on a ranch, including snowmobiling, to prevent wildlife harassment.

In response, some said they would feel uncomfortable seeking to restrict commonly accepted activities of landowners and also had difficulty advising farmers and ranchers on land

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CALIFORNIA'S CENTRAL VALLEY

Nation's top producing farm region imperiled by sprawl

SACRAMENTO, CA — Low density sprawl in California's Central Valley could claim more than one million acres of farmland by the year 2040, severely threatening the valley's standing as the nation's top producing region, according to a study commissioned by the American Farmland Trust and endorsed by leading Central Valley producers.

The economic study, conducted by an Oakland consulting firm, used population projections and prevalent growth patterns to gauge the impact of future growth on agriculture and on taxpayers under two scenarios— low-density growth and compact growth. The firm used a mapping program created at the Institute for Urban and Regional Development of the University of California.

Concerned that sprawl could "devastate Central Valley agriculture and impose a crushing burden on taxpayers," the AFT's report comes

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Agriculture topics spur lively discussions at land trust rally

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use practices. Ruth Mahan of the San Juan County (WA) Land Bank said conservation plans drafted by federal and state agencies were "unreadable, unintelligible. How can we achieve [these goals] without chasing the landowner away?"

Another participant agreed, saying she didn't feel she had the "leverage" to interfere with farming practices.

But Judy Anderson of the Columbia Land Conservancy, which has protected 6,647 acres of farmland in Columbia County, New York, said her organization does try to control uses with a "variation clause that allows flexibility relating to structures," on farm parcels.

From a legal perspective, conservation easements that include extensive use restrictions could be subject to challenge, according to William T. Hutton, workshop moderator and professor of law at the University of California. Hutton said, however, that so far there has been "not a single instance of the IRS spotting criteria because it lacks a conservation purpose."

Darby Bradley of the Vermont Land Trust said land trusts had to be realistic in what could be accomplished in a conservation easement. "From a stewardship standpoint, we have to make choices based on what is monitorable," he said.

"The most important thing is to keep subdivision from happening," said a participant from Napa County. "If you're trying to micro-manage, you're not going to be successful with farmers."

Dennis Bidwell of the American Farmland Trust (AFT) concurred, stressing that an easement should be seen as the beginning of a process rather than an end in itself that affects just one parcel.

"We'd rather have a good reputation as people farmers can work with than accomplish immediately all the protections we would like," he said.

In an interview, Bidwell said the best way land trusts could protect natural resources on farmland was to urge compliance with a conservation plan implemented with help from federal farm agencies.

"Dealing with conservation practices in an easement may not make sense legally and otherwise. The two issues [stopping development and curbing harmful practices] need to be disentangled... practices on land should be left to educa-

tion, outreach, and federal and state regulations."

Land trusts also need to get farmers on their boards "early on, as opposed to an afterthought," Bidwell said. "A conservation easement is as much a community outreach tool as anything else."

Napa grower's stark realities

"Land trusts have good intentions, but they will lose credibility if they don't know about farm-specific easement aspects," said Jerry Cosgrove of the American Farmland Trust, leading off a workshop on estate planning and farmland protection.

In this workshop, participants heard Volker Eisele, owner of a Napa County winery, describe land preservation as experienced from the other side of the table by a major producer. "You have to understand production agriculture, not Wendell Berry," whose writing, Eisele said, "isn't the reality of farming."

Eisele's testimony pointed up that agricultural practices and circumstances vary widely, and that conservationists must carefully study local agriculture before attempting to introduce land preservation to an agricultural community.

A founding member of the Napa County Land Trust, Eisele said he paid \$20,000 in legal and other fees to place a conservation easement on his property, and believed tax benefits from conservation easements "have not been proven." Further, in Napa, where 35,000 acres are in vineyards, and \$10,000 in capital investment per acre is common, "big growers who could benefit from tax breaks are not coming forward because they don't want to close up options."

Eisele said he believed a restricted property such as his own will be difficult to sell. "That is an issue that is never brought up, but it is the reality."

The Napa County Land Trust holds easements on 6,050 acres of farmland and while sales of eased farms in Napa may prove difficult, Eisele's edict does not hold true in metropolitan areas where farmland easements are more prevalent. In southeastern Pennsylvania, farms without development rights have had no apparent difficulty in selling, according to June Mengel of the Lancaster County Agricultural Preserve Board.

"We haven't seen any substantial difference

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LTA Rally, from previous page

between a preserved farm sale and a [non-preserved] farm sale," she said. Many preserved farms have been sold, she said, in Lancaster County as well as other nearby counties.

Eisele said that Napa County agriculture, with the highest value farmland in the nation, cannot compete with residential and commercial development. "If we decide we want farmland, we must build the political framework."

Veterans and novices

Question: "Why save farmland if farmers believe there's no future?"

Answer: "You have to find out why they feel that way and go from there."

Such was the first exchange between farmland preservation veterans and novices in an issues-and-answers roundtable sponsored by the American Farmland Trust that was a suitable ending of a solid two days on an intense workshop trek.

Participants were treated to an impromptu debate between farmland preservation veterans on the impermanence syndrome, which led to a disagreement on the value of agricultural security areas or districts, the mechanism some states use to temporarily protect farmland by providing tax breaks for short-term use restrictions.

Dennis Bidwell of the American Farmland Trust felt the voluntary designations "are chipping away at the impermanence syndrome."

But Tom Daniels of the Lancaster County (PA) Agricultural Preserve Board said ag security areas in Pennsylvania have no restrictions, and that without a regulatory framework to prohibit development the designation represents little more than the possibility that farming would be sustained on the subject parcel.

Another discussion focused on the merits and uses of limited development or open space zoning.

Daniels noted that planning literature in the late 1980's described limited development "as an option of last resort. Now it seems it is too well accepted."

Jerry Cosgrove and Dennis Bidwell of the AFT said depending on a farming operation's size and type, the area's demographics and other circumstances, limited development, also called rural cluster and open space development design, can be

workable.

However, Bidwell said, the public's perception of a land trust's purpose can go sour when development on any scale is undertaken.

"Entering into it carefully is essential. Some land trusts regret the first deal they did was a limited development deal... it should be entered into warily after you've done some other deals."

The next Land Trust Alliance Rally will be held in Burlington, Vermont, Oct. 17-21, 1996.

Midwest**Airport proposals pose major threat to farming regions**

Proposed airports are posing major threats to important midwest farming regions, with plans to convert more than 60,000 acres of productive farmland in Illinois and Minnesota, according to the Federal Aviation Administration and other sources.

Proposed airport sites for the Minneapolis and Chicago regions have stirred fierce citizen opposition and drawn divergent responses from local governments.

There are 265 proposed public airports in the nation, most of those - 216 - are small, general aviation operations that have just one landing strip and hanger. Then there are 44 sites called relievers, that are bigger and have more activity.

The remaining are major commercial service and primary airports proposed in the Federal Aviation Administration's 10-year plan, including proposals at:

- Fayetteville, Ark., estimated to convert 2,250 acres of farmland in Benton County;
- Dakota County, Minnesota, that would convert a minimum of 14,000 acres and as much as 30,000 acres;
- Will County, Illinois, where despite a move by Chicago Mayor Richard Daley to create a regional airport authority with Gary, Indiana, a south suburban airport proposal driven by business interests has taken on a life of its own, and would convert 23,562 acres for the site itself and another 10,000 acres may be set aside by the state to provide a noise buffer area.

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Major airport proposals threaten farming regions in Illinois, Minnesota

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Another proposed major airport for Portland, Oregon was "pre-determined to be too hot politically," because of Oregon's state planning laws, according to Dennis Ossenkop of the FAA's north-west division. Other proposals involve airport expansions and reconstruction on current sites, such as the expansion of the San Diego International Airport.

One of the airports in the 10-year plan was the Denver International Airport, where passenger demand was severely overestimated and is now a financial boondoggle. Citing Denver's error, citizens opposing the Will County and Dakota County sites feel they have good reason to question the need for additional airports in the region.

Will County citizens fighting that airport site have had some help in the form of political mayhem. The siting of the Chicago regional airport sparked a feud between Chicago's mayor and state legislators, and it is unlikely the airport will be built at any site soon, according to the FAA's National Planning Division.

Organized opposition to the airport has been led by a group that has pointed up the loss of farmland and rural way of life as too great for the community to withstand. Yet Will County officials have made all the moves necessary to make the airport happen, such as promoting the construction of a highway to supposedly relieve congestion in northern Will County, but that also makes a beeline south, toward the airport site.

Ironically, a newsletter produced by the South Suburban Airport Project of the Illinois Department of Transportation, cites access to the state's "abundant agricultural resources" as one of the reasons the airport should be built.

While a majority of Will County officials support a project so large it would alter the face of the county, officials in Dakota County, Minnesota, are not taking their airport proposal so lightly: the Dakota County Board of Commissioners in October

etcetera ...

Pickering is new Pa. farmland protection chief

Harrisburg, Pa. — Raymond C. Pickering became chief of the Pennsylvania Bureau of Farmland Protection effective Nov. 6. He had been director for the Chester County Agricultural Land Preservation Board, a position he held for 10 years.

Pickering takes the helm of the nation's fastest growing state preservation program following a period of controversy involving how state funds were allocated and rules applied.

Administration of the program by former director Fred Wertz was the object of internal investigations into encumbrance of funds for easement applications that were not complete. A treasury audit confirmed the premature encumbrance of \$3.2 million, funds that would have been reallocated to other eligible counties. The Lancaster County Agricultural Preserve Board, which called for the investigations, claimed that it alone lost \$600,000.

Pickering, who will spend much of his time in the coming months overseeing the implementation of new program guidelines and revised minimum criteria for eligibility recently adopted by the state board, said he will make communication with counties a priority for the bureau. He plans to visit county boards during next year's recertification of county programs.

Pickering received his master's degree in urban and regional planning from Virginia Tech, and has an undergraduate degree in political science and public administration from the College of William and Mary. In 1993 he received a National Association of Counties Achievement Award for design of the Chester County Agricultural Preservation Program.

MALT hangs tough despite hard times

Point Reyes Sta., Ca. — The Marin Agricultural Land Trust (MALT), which has placed Marin County as the nation's most successful purchaser of agricultural conservation easements, is hanging tough even though no new influx of funding is in sight, according to director Bob Berner.

Over the last several years, MALT has been having what you could call a run of bad luck.

In 1994, the defeat of a bond referendum meant a loss of \$6 million for MALT, when the organization's last million from a 1988 bond issue was running low.

And now, this fall Gov. Pete Wilson vetoed a bill

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that would have given Marin supervisors the option of seeking voter approval of special taxing districts, including open space districts, a move that Berner believes will make it less likely that supervisors will pursue funding for open space on their own.

But even without the veto, voters in Marin are not in the mood for approving more taxes. A poll conducted for MALT this fall showed only 60 percent would support a small increase in taxes for a special district. That's not the two-thirds majority needed to pass a tax increase.

Underlying the fiscal uncertainties is an apparent fragmentation among environmental protection groups that now focus on singular needs such as wetlands, without recognizing the larger context. "They can't see the broader picture. They'd rather save a small wetland than support farmland preservation," Berner said.

In addition, the Marin County board includes new members with different agendas that may not include farmland preservation, according to Berner.

"The solidarity isn't there anymore," Berner said in an interview at MALT's offices in the small town of Point Reyes Station. "The situation is much less stable. It's just a different political environment."

MALT has a backlog of applications that will require \$10 to \$12 million to complete. But for now, the organization is working with about \$200,000 a year.

But farmland preservation in Marin is more than the purchase of easements and what politicians do.

"Ultimately, what determines the future of agriculture is the collective decisions of individual landowners," Berner said.

Project involves all players, seeks to curb sprawl

Traverse City, Mich. — An innovative planning project sponsored by a coalition of business, government and environmental organizations will provide planning services and public education to townships in five counties along Lake Michigan.

The partnership with builders and business executives will begin to "establish a new regulatory framework for development that uses incentives to reduce costs and encourage resource conservation," according to *Planning & Zoning News*, a Michigan publication.

The project, called New Designs for Growth, will provide a training program for local government and a program for business leaders and developers that will encourage development designs "that fit into natural landscapes." For information about the project, contact Keith Charters, Traverse City Area Chamber of Commerce Foundation, (616) 947-7566.

Airports, from preceding page

voted 6-1 to oppose the airport. Neighboring Washington County officials did likewise.

Dakota County is "predominantly a farming area," according to Robert Huber, assistant manager for the FAA district airports office in Minneapolis. The county was designated by the American Farmland Trust in a recent study as having both a high national agricultural value as well as high growth. The area was rated among the nation's most threatened agricultural regions.

Huber said between 14,000 and 20,000 acres would be used for the airport site, depending on "how much noise they want to control," he said.

The Dakota airport site would replace the existing Minneapolis/St. Paul International Airport in the southwestern part of the metro area, and has been in planning for about eight years. Residents around the present airport are fighting an alternate plan to simply build a new runway at the present airport, an option the FAA says would adequately meet needs into the foreseeable future, according to Gerry Drewry of Stop Our Airport Relocation, Inc., (SOAR), a citizen's group opposed to the new airport.

According to SOAR, the site would convert up to 30,000 acres of farmland, with about 6,200 acres covered with asphalt on a site near the Mississippi River. Many of the 40 working farms that would be converted are irrigated for corn and soybean production. Dairy farms, a winery and nursery would also be destroyed to make way for the airport, according to Drewry.

Almost 10,000 acres of the site are classified as prime farmland that contain endangered plant and animal species including the loggerhead shrike. "Half of the known nesting sites in Minnesota [for the shrike] are in this area" of the proposed airport, she said.

Despite all the difficulties the Dakota site poses, there's a push to initiate land banking to set aside land for an airport in the future if current proposals are defeated, according to Drewry.

Joining SOAR in opposing the airport is the Land Stewardship Project, Minnesota's leading conservation organization promoting farmland preservation and sustainable agriculture. Contact: Land Stewardship Project, (612) 653-0618.

CALIFORNIA'S CENTRAL VALLEY**Compact growth essential to save ag***continued from page 1*

after the organization's 1993 designation of the Central Valley as the nation's most threatened agricultural region. The current study details how the threat will become reality unless citizens spur their governments to act. Development is consuming an estimated 15,000 acres of farmland each year in the Central Valley. And, the population of four million is expected to triple by the year 2040.

The AFT has called the Central Valley "one of the last great Mediterranean agricultural production areas on earth." Central Valley operations produce more than 250 commodities, including fresh and processed fruits and vegetables produced year-round. Fresno County, in the heart of the valley, is the nation's top agricultural county with \$3 billion in annual production.

Among the study's findings:

- Sprawl will consume more than one million acres of farmland by 2040, with 60 percent of this being prime farmland and farmland of statewide importance; by contrast, compact growth would consume 474,000 acres of farmland, including 265,000 acres of prime and important lands.
- In addition, sprawl will create a one-third mile wide "zone of conflict" placing another 2.5 million acres into impermanence syndrome limbo; compact growth would create a "zone of conflict" of 1.6 million acres.
- Sprawl growth will cost Central Valley cities plenty—exceeding revenues by about \$1 billion annually, requiring tax increases; compact growth would actually produce an annual budget surplus of \$200 million.
- Sprawl would reduce direct agricultural commodity sales by \$2.1 billion a year, and reduce related sales of suppliers, processors and other agricultural support businesses by \$3.2 billion annually. Compact growth would reduce commodity sales by \$970 million annually and related sales by \$1.5 billion.

The study included 11 counties that lay between the Sierra Nevada on the east and the coastal mountain ranges to the west, an area 300 miles long and averaging about 50 miles wide, an area the study calls "the single most important agricultural resource in the United States and, arguably, the world."

These 11 counties possess 6.7 million acres of irrigated soils, producing crops with a market value of \$13.3 billion in 1994, representing eight percent of total U.S. agricultural sales from an area comprising just over one-half percent of the nation's land in farms.

The low-density scenario is based on a gross residential density, including commercial land, of three dwelling units per acre. This reflects the current development pattern of the Central Valley, and

legislative and program briefs ...

In Maryland ... In an already complex state/county funding arrangement that involves general allotted funds and matching funds, county program administrators are studying the effects of a recently adopted funding sequence that uses county matching funds prior to using general allotted funds when making easement offers—a reversal of the funding sequence used since 1977. Some counties, including Frederick, Carroll and Montgomery, contend that the new method, adopted by the Maryland Agricultural Lands Preservation Foundation without conferring with localities, can result in a depletion of a county's matching funds as well as the forfeiting of general allotted funds that remain after offers are made. Prior to the change, county matching funds were used last in making offers, and a county retained its remaining matching funds, using them to leverage state matching funds the following cycle. Several county administrators are preparing to present their findings to the Foundation, which decided at its last meeting to continue the new funding scheme for the remainder of the fiscal year despite a confessed confusion as to its results. State program executive director Paul Schiedt said the new method will result in additional easements statewide, but counties that put up matching funds are objecting to how the method could indirectly use their funds to purchase easements in other counties. ... **Harford County** veteran planner Dan Rooney has replaced Mike Paone as administrator of one of the nation's most active farmland preservation programs. Rooney worked closely with Paone in completing demographics on the county's farming industry while drafting Harford's rural plan three years ago and has a background in comprehensive planning.

In New Jersey... Bond issue passed- voters approved the \$340 million bond issue, of which \$50 million will be allocated to farmland preservation. The margin of victory was 68 percent, higher than any of the three other questions on the ballot, according to program director Don Applegate. The remainder of funds will be used for acquisition and development of conservation and recreational lands, floodplains acquisition and historic preservation.

In Pennsylvania... A recent study of 1,100 farm sales in Lancaster County between 1984 and 1994 concluded that the county's Amish

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population has purchased more farmland than any other group in Lancaster, including developers. Amish farmers purchased 10,564 acres on 124 farms in the study period, while developers purchased 1,660 acres. The study was conducted by Conrad Kanagy of the Department of Sociology at Elizabethtown College. The study is available by sending a self-addressed, stamped envelope to Kanagy at Elizabethtown, Pa. 17022.

In Colorado ... In Larimer County, voters decided to tax themselves to raise \$48 million over eight years to preserve land for parks, open space and trails.

In Michigan... Isabella County, which created a transfer of development rights program in 1989 has omitted the section from its zoning ordinance. "We tried it, nobody liked it, so we amended it," said Carolyn Ramsey of the county planning department. The county failed to set up a good system prior to implementation, she said.

In Congress... Farm bill: Commodity interests are fighting hard to keep subsidies, and a bill in the House would remove requirements linking types of crops to subsidies and "would create an enormous windfall for producers," according to AFT's Ed Thompson, a windfall the administration may like to capture to use as "a safety net for small producers," he said. On the Senate side, it's a run for the status quo, with midwest legislators "sabotaging efforts at reform," Thompson said.

Sen. Rick Santorum of Pennsylvania at press time was due to introduce a bill that would make farmland preservation an eligible purpose under the CRP, with CRP funds used for up to half of an easement purchase, an idea proposed by the AFT.

H.R. 2429, which would amend the Farms for the Future Act, (see last issue) has 20 cosponsors. If the bill does not make it into the farm bill, "they are committed to keeping it moving and we are committed to creating the political pressure back home," to pass the bill, Thompson said.

Meanwhile, new bills that seek to weaken environmental protection would do so through eliminating conservation compliance, gutting the swampbuster program, merging the newly established Natural Resources Conservation Service with the Farm Service Agency and repealing the Farms for the Future Act.

"It's a total sellout of the last 15 years of conservation in agriculture," Thompson said. "The people hit hardest are the majority of farmers who are good stewards ...".

Conservation compliance requires farmers to implement conservation practices to be eligible for farm programs, a process begun under the 1985 farm bill and nearing completion. The bill would allow farmers to opt out of compliance on a field by field basis and would limit USDA spot checks.

AFT study, from preceding page

assumes that all new development will occur within urban service areas "thus underestimating the impact of 'ranchette' development."

The compact growth scenario is based on a density of six dwelling units per acre, "which is intended to represent a relatively conservative, realistically achievable goal for new development in the valley." Although higher densities would be more ideal, the study used six dwelling units "because development at this density would not depart significantly from traditional California-style subdivision patterns."

The study chose 45 years as the projection period because of the availability of official population projections but also because that's how long it took for Los Angeles County to convert from the nation's top producing county to total urbanization. The study shows the same happening to Fresno County unless development patterns change.

Other recent studies

A 1993 study conducted by Gov. Pete Wilson's Growth Management Council acknowledged the costliness of sprawl but differed significantly in its surmise of the threat to agriculture, looking at agriculture as a statewide entity and not as local or regional economies threatened by the growth of cities. The Council said in its report that the state had "a huge amount of good farmland to sustain orderly conversion to urban use for generations," a conclusion with which the AFT strongly disagreed.

More recently, a study co-sponsored by the Bank of America made startling statements about the costs— to the state's finances and to its quality of life— of continued low-density growth. Called "Beyond Sprawl," the report recognized the state's irreplaceable micro-climates and the uncertainty that destabilizes regional agricultural economies. The report was released last March.

The AFT study recommends the creation of a task force to spur local government action in instituting compact growth patterns. It also recommended designating the Central Valley's most important farmland as a strategic agricultural reserve where nonfarm development would be prohibited.

California PACE program created

The release of the AFT study coincides with passage of SB 275, creating a farmland preservation program for the purchase of agricultural conservation easements (PACE) in California.

However, like the program created last year in Kentucky, no funding is in sight.

The program would be administered by the state Department of Conservation, except in coastal zones, where the State Coastal Conservancy would have jurisdiction. Funding would be allocated through grants to localities and nonprofit organizations that dem-

California PACE program created

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onstrate a parcel meets certain criteria, which include a size "large enough to sustain commercial agricultural production," and location at least two miles outside "the sphere of influence of a city as established by the local agency formation commission" (LAFCO). The amount of a locality's matching funds will also figure into eligibility of parcels.

Called the Agricultural Land Stewardship Program Act of 1995, the legislation grew out of a 1991 Agricultural Lands Task Force created by Gov. Wilson and persistent crafting by the AFT.

A large part of the reason the bill passed was to create a mechanism for receiving federal funds if Congress passes amendments to the Farms for the Future Act. However, "that's not to say money would be put in [the state fund] to qualify," said Ken Trott of the Department of Conservation, referring to the state's budget crunch. The fund must contain at least \$1 million before rules can be written, Trott said.

Another achievement that arose from the Agricultural Lands Task Force was an increase in Williamson Act subvention payments to localities, which are reimbursements for revenues lost to agricultural use assessments. Some localities had dropped out of participating in the tax break program, and others were threatening to withdraw.

For a copy of the AFT report, "Alternatives for Future Urban Growth In California's Central Valley: The Bottom Line for Agriculture and Taxpayers," call (202) 659-5170. For a copy of "Beyond Sprawl" contact the California Resources Agency at (916) 653-5656.

resources ...

Books and Publications

Managing Land as Ecosystem and Economy
Alice E. Ingerson, ed.

Lincoln Institute of Land Policy, 36 pp., \$14

This is a carefully edited and well-presented compilation of the ideas and discussions that took place at a fall 1993 Lincoln Institute workshop when controversies created by the property rights movement were heating up. It covers protection of endangered species and natural resources, financing conservation, determining priorities, public participation and larger policy issues. Full bibliography. To order, call 1-800-526-3873.

Our Living Resources

National Biological Service

U.S. Department of the Interior, 530 pp., \$44

This is the first technical report released by the NBS, and is a compendium of almost 200 peer-reviewed articles and overviews from authors in the public and private sectors addressing the abundance, distribution, health and trends of living organisms, ecosystem types, geographic areas, etc. The information is presented for the layperson and includes a glossary, index, tables, graphics. Contact Michael J. Mac, (202) 482-2929.

Land Use in America

Henry L. Diamond and Patrick F. Noonan
Island Press, 340 pp, \$26.95

According to Island Press, this book by two heavy hitters in the land use arena, "is intended to help communities throughout the country accommodate

growth in better, more environmentally sound, more fiscally responsible ways." The authors review land use over the past 25 years and "take a hard, even-handed look at why so little real progress has been made during a period of extraordinary gains in other environmental areas." The book also contains contributions from Douglas Wheeler, William K. Reilly, Christopher Leinberger, Jean Hocker, and others on such topics as ecosystem management, science and the sustainable use of land and the private property rights issue. To order, call 1-800-828-1302.

Conferences & Workshops

Dec. 7-8, Charlotte, NC: *Linking Land Use and Transportation, A Realistic Look at the Southeast*, sponsored by the Lincoln Institute of Land Policy. Topics: land use strategies and automobile travel; recent research on the relationships between land use patterns and transportation; a regional example of neotraditional development. Fee: \$195. Call 1-800-526-3873.

Mar. 31 - Apr. 2, Baltimore, MD: *Rally II: Working for America's Real Places*, sponsored by the National Coalition for Heritage Areas. The coalition works to promote the concept of heritage areas and to assist local or regional efforts striving to protect places of historic and cultural interest. Conference sessions will look at current heritage area legislation in Congress, lessons from grassroots efforts, marketing and promoting heritage areas, and building partnerships. Call Sarah Polster at (202) 673-4204.

Summer 1996, Burlington, VT: The University of Vermont is sponsoring its second two-week Land Conservation Program in late July and early August that consists of short courses, workshops and a two-day conference for students, professionals and others in the land conservation community. Dates to be announced. Workshops on site assessments and resource inventories, conservation easements, land stewardship and management; courses in ecology and field science, land conservation aims and methods, ecological restoration; a two-day conference on the effects of fragmentation of working and natural landscapes and developing solutions through linkages and partnerships. To receive the official program announcement, call (802) 656-4055 or send name, address and phone number to Summer Land Conservation Program, Environmental Prg., Univ. of Vermont, 153 South Prospect St., Burlington, VT 05401.

farmland preservation report

Covering the policies, practices and initiatives
that save farmland and open space

Since 1990 • Deborah Bowers, Editor

Administrators concerned about the future of easements

SPARROW BUSH, NY — Forty-two farmland preservation professionals and advocates from 12 states attended a conference on easement purchase at Eddy Farm Resort September 27 and 28. The conference was organized by the American Farmland Trust.

Since the last Eddy Farm conference was held in 1993, Kentucky and Delaware have established farmland easement programs, and Michigan, has set in motion a farmland preservation effort that could result in a program. All three states were represented at the conference, and seven state and local efforts were represented for the first time.

The future of easement administration and enforcement was a recurring theme in discussions among administrators. Many expressed concern

about the future of easement parcels affected by adjacent development and the resulting land values that would put farmland financially out of reach for many farmers.

"Estate purchases" a liability for programs

Easement parcels becoming rural estates for wealthy individuals who may or may not farm has already become an issue in Massachusetts, according to Rich Hubbard, assistant agriculture commissioner.

Hubbard, who administers the Massachusetts Agricultural Preservation Restriction (APR) program, said appraisals revealing estate value are "a self-fulfilling prophecy because farmers would have to sell to an estate-type buyer ... once

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Farmers' initiative

Watershed protection could be basis for easement funds

WALTON, NY — In what could be the most innovative approach yet to funding conservation easements, farmers active in a watershed planning area in the Catskills have proposed a strategy to help New York City meet federal requirements for safe drinking water and at the same time preserve farmland and the state's dairy industry.

The plan sounds easy enough: use required funding proposed to purchase land in the immediate area of city reservoirs to purchase easements in the larger watershed instead, thereby permanently preventing development and implementing best management practices on dairy farms to boot.

The strategy comes after five years of watershed

management negotiations between farmers in the eight-county New York City watershed region and New York City environmental officials under

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Future of ag easements hot topic at Eddy Farm sessions

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it sells at an estate value, that's it. It will never be affordable for a farmer."

According to Hubbard, the Massachusetts program allows the state a first option to buy easement farms, a process that would screen potential buyers to check their plans for the farm, but has not been exercised, he said. That clause surprised other administrators and a farmer in attendance.

"You might be crossing the line with this type of program," said Dick Coombe of the Watershed Agricultural Council Inc. from New York, who said he didn't like the idea of a state government "fooling with our future value... it doesn't bother me one iota that New Yorkers want to come in and keep ag values low," he said.

Darby Bradley of the Vermont Land Trust, who gave the keynote address, said that among the organization's big fears are estate purchases and "elitism."

Hubbard said non-farming of easement parcels can become a political liability when legislators see preserved farm fields that are idle. "They ask, 'why invest more money when it ends up being an estate,'" Hubbard said in a post-conference interview. There have been no formal discussions about the issue, but Hubbard sees it as a potential threat to the Massachusetts program.

"A risk we have to take"

Delaware assistant administrator Stewart McKenzie said that in the Delaware program, recently funded at \$12 million for the upcoming year, "there's no presumption that if a non-farmer buys the farm that no farming would occur. They're not going to just play with 300 acres."

Tom Daniels of the Lancaster County Agricultural Preserve Board said his program recognizes that non-farmers may be buyers of preserved farms, but in preserving farmland, "it's a risk we have to take."

Most administrators seemed to feel that contracts that require land to be farmed may bind the original easement land owner, but that no legal means could require a future owner to farm.

Threat of adjacent development

A related issue and recurring topic at the con-

ference was another threat to preservation: that farming viability on easement parcels can be threatened by adjacent and nearby development.

Escape clauses in state programs, which allow a landowner to buy out of an easement under conditions such as urbanization of the community, have not yet come into use. The Maryland and Delaware programs will allow easements to be terminated after 25 years under strict criteria, and in Pennsylvania 25-year easements are an option but only a few have been recorded. Under certain restrictive procedures an easement in Massachusetts can be released at any time upon proof of inability to farm profitably, though no outright releases have occurred.

No program has yet reached 25 years of operation, with the oldest farmland easements being recorded in Maryland 18 years ago.

Some administrators say their programs have farms that should not have been preserved, that will almost certainly qualify for easement termination and buy-back of development rights.

"The real danger we all face in preserving farms is that preserved farms are a magnet for development," said Tom Daniels. The greater danger is when preserved farms are isolated rather than one of many in a block, he said.

Daniels, a workshop presenter who illustrated how the Lancaster County program creates blocks of preserved acreage around townships, said the strategy had begun to influence township zoning decisions. Stausburg Township, in updating its comprehensive plan, decided to adopt agricultural zoning at 1-25 after it recognized that 1000 acres had been preserved south of the village. Daniels said the zoning will help prevent development adjacent to the preserved block.

Keynote Address

Darby Bradley of the Vermont Land Trust gave the keynote address. With 600 parcels now under conservation easement in the state, the trust has noticed that many more loan officers and financial advisors are becoming familiar with easements and tax benefits. No Vermont state agency rivals the experience of the VLT, and according to Bradley, nonprofits are in the best position to carry out

please continue to next page

NY conference, from previous page

preservation largely because landowners feel more comfortable with non-government entities.

"When I think of feds holding easements and of attorney generals monitoring easements, it just doesn't compute," he said. "There's a lot nonprofits bring to the table."

Bradley said agriculture goes up and down on the scale of political importance in the state, alternating with affordable housing for the top spot in attracting conservation dollars. "Because it was a program addressing many issues, we were able to sustain ourselves through tough economic times."

Bradley said important lessons the trust has learned is to develop policies as early as possible, such as subdivision and dwelling allowances, making documents standard. "Don't let attorneys draft easements," he said.

Preserving farms "made up 40 percent of our closings this year, but two-thirds of our organizational effort. So in one sense we are heavily subsidizing the program and using member dollars."

Listeners took notice when Bradley said two of every four dollars of trust funding comes from private foundations. Referring to an evolution in funding, Wally Lippincott of Baltimore County asked if such investment was unique to Vermont or worth pursuing.

"They came to us in virtually every case because there were results and they wanted to support that. We are a very thinly capitalized organization and I hope that's where planned giving will bail us out," Bradley said.

Bluegrass country

Preservation plan underway

LEXINGTON, KY — A land preservation plan completed last year for Lexington-Fayette County that focuses on preserving the scenic qualities of Kentucky's Bluegrass region will take shape this fall with a half million dollars budgeted for specific projects. A farmland easement program is included.

The projects will be implemented in the midst of a comprehensive growth management plan update drafted by the land use consulting firm of Siemon, Larsen & Marsh of Chicago. Included in the specifics, Charles Siemon, who is heading up

the effort, will be drafting legislation to improve state enabling law for transferable development rights and will set up a program for easement acquisition as well as fee simple purchase of farmland and open space. The planning division is seeking to establish a non-profit entity to accept easements, according to George Reed of the county planning division.

The proposed plan has six elements: a county-wide land capability map identifying conservation areas; a fiscal impact analysis with a capital facilities planning and financing program; a plan for expansion of the region's urban growth boundary; regulations for preserving open space, farmland and rural landscapes; downtown and infill development and redevelopment plan; workshops with planning bodies.

A status report released in August was straightforward about the county's land use ideal: "This plan will help minimize land speculation, stabilize land prices, and provide developers with information necessary to make smart decisions on land purchases. Land owners of protected agricultural land will not experience pressure to sell..." which will enable farms to be sold to other farmers, the report stated.

Lexington-Fayette County agriculture produced \$132 million in products and employed more than 5,500 people in 1990. It ranks top in Kentucky and is among the top counties in the nation largely because of the horse breeding industry.

In June, the Lexington-Fayette Urban County Planning Commission approved expanding the urban service area boundary by 5,700 acres. The expansion will not become effective until the master plan update is complete in about one year.

The Urban Service Area, created in the 1950's, was re-emphasized during the county's 1988 Comprehensive Plan update, stating "capital improvements shall not be extended outside the USA in such a way that rural areas are subjected to urban development pressure." Agricultural zoning established a minimum 10-acre lot size.

In 1989 a steering committee was created to find ways to preserve the Bluegrass while accommodating growth and to review an ordinance that would establish a Greenspace Conservancy Commission that would ultimately develop the Greenspace Plan. Contact: Harold Tate or George Reed, (606) 258-3262.

*Long-term strategy***Project will help Chesapeake Bay, farmland preservation**

ANNAPOLIS, MD — Agricultural and environmental groups in the Chesapeake Bay region have begun working together to make economic sustainability and ecological soundness the calling card of the region's agriculture.

The Future Harvest Project, operating out of the offices of the Chesapeake Bay Foundation, itself will be sustained by a four-year grant of \$1.25 million from the W.K. Kellogg Foundation. It is likely the most funding ever committed to promote sustainable agriculture in the region.

The Project focuses on helping farmers discover and approach the use of sustainable farming methods. It is also bringing together farmers and professionals in development, agriculture and land use planning to evaluate how to improve the region's farmland preservation efforts.

Project goals are to: change the way farmers in the Chesapeake Bay region produce food; improve water and air quality; protect wildlife habitat; slow the loss of farmland; create a positive image for agriculture and strengthen rural communities.

The project was originated by the Chesapeake Bay Foundation, which produced the grant request. Collaborators in the project, members from which make up the project steering committee, include the American Farmland Trust, the Maryland Department of Agriculture, nonprofit groups and university extensions from Maryland and Delaware.

Three farm boards, one each for farmers of small, medium and large operations meet to exchange ideas on sustainable agriculture in the field. Using a "whole farm" approach to projects, the groups focus on on-farm research and demonstrations, with some funding available for projects. A revolving loan fund will provide low-interest loans to help farmers finance capital investments necessary to integrate sustainable practices.

Farms for the Future Board

The project's other major collaboration is the Chesapeake Farms for the Future Board, made up of farmers, legislators and professionals in land use

etcetera ...

TDR, downzoning, cluster strategy in Thurston County Olympia, Wash. — Thurston County, Washington's fastest growing county over the past decade, is establishing a farmland protection strategy that includes agricultural zoning and both the purchase and transfer of development rights. The programs could be in place by the end of the year, according to senior planner Lynn Dosherry.

The county adopted two new ag zones that cover about 25 percent of the county's agricultural area, moving from a density of 1-5 to densities of 1-20 and 1-40. In the remaining rural areas of the county, not designated as prime farmland, a cluster option was adopted in conjunction with a 1-5 density. A density bonus of 1-3 is allowed if 90 percent of the parcel is preserved. The cluster option has proven popular, with 30 subdivision applications received.

A transfer of development rights proposal seeks to establish the two ag zones as sending areas, and the county has worked with its three cities, including Olympia, to establish incentives and receiving areas within their boundaries, according to Dosherry.

"Olympia is looking at requiring [TDR] even at minimum density," she said, but developers could forgo the requirement by adding another unit above the minimum. Other cities have already set TDR requirements for subdivisions with maximum densities.

"We worked very closely with farmers. They are pleased with the cities' willingness and commitment," Dosherry said. (360) 786-5222.

Maryland use of funds policy takes counties by surprise

Annapolis, Md. — A change in methodology for use of funds, made in executive session, caught Maryland county administrators by surprise in September when it became apparent the Agricultural Lands Preservation Foundation had used county matching funds prior to using general allotted funds for administrative costs and easement purchase in the January 95 cycle.

Frederick County claimed the new policy resulted in a net loss to the county of \$30,957, which could have been used to leverage state matching funds in FY 96, for a total impact to Frederick County of \$77,392, according to county administrator Tim Blaser.

According to Bill Powel of Carroll County, because the new use of funds method "generates no new

revenue anywhere in the funding system, [it] doesn't buy any more acres, it only buys a few easements sooner by shifting one county's general allotted funds to... another county, thereby leaving the first county with an equal sum less for matching in the next cycle."

According to minutes of an executive session held in May, foundation staff proposed using a county's matching funds before using general allotted funds, claiming such a method would benefit the state by reducing the required state commitment in the beginning of a purchase cycle. Further, staff claimed certified counties would benefit by accumulating expenditures that would help qualify them for recertification. "This method would not change the total money available, it is only a method by which certain funds are used first," staff stated.

According to foundation legal counsel Craig Nielsen, program rules state no preference for the sequence of utilizing funds.

Not all counties were affected by the switch in funding use. But Carroll County supported Frederick County's position because, according to a memorandum from Bill Powel, "Carroll would have lost funds in Cycle I of FY95 if the county had not been in a position to increase an 'insufficient funds offer' to a full offer." Tim Blaser, (301) 694-2513.

AFT preparing updated farmland protection guide

It's been 15 years since the National Agricultural Lands Study produced its major publication, *The Protection of Farmland: A Reference Guidebook for State and Local Governments*, authored by Robert E. Coughlin and John Keene. The study had a large purpose—to rouse attention to the loss of farmland. It was 1980, and only a handful of programs had been established.

The American Farmland Trust, with funding from the Natural Resources Conservation Service (formerly the Soil Conservation Service) is surveying states and localities in an effort to update the guidebook with the same audience in mind—local and state governments interested in starting preservation programs.

"The core of the book is going to be case studies," said Jill Schwartz, who along with Julia Freedgood, AFT director of public education and outreach, are conducting an inventory of farmland protection efforts nationwide. The book will also look at emerging issues, innovative programs, "things that crop up... I don't think there will be a menu for success, but it will be a start," Schwartz told participants at a recent conference for easement administrators. Schwartz, (202) 659-5170.

Future Harvest, from preceding page

planning, farmland preservation and environmental protection. The group's goal is to develop ways to further curb the loss of farmland in Maryland and Delaware. The board has met since July.

During this board's first year, it will identify farmland of strategic value, using as criteria its proximity to urban markets, influences on water and air quality, its support of rural communities, its role in the region's agricultural economy and its soils. At the same time the board will identify farmland most at risk. Mapping is a key project.

During its second and third years the board will examine "why existing farmland protection programs are ineffective in protecting the most threatened strategic farmland."

The American Farmland Trust is serving the project for two years as staff for the board and to "help identify deficiencies in farmland protection programs and ways to correct them," according to Gary Kozel, AFT media relations director. The first part of the Farms for the Future Board study, due in July 1996, "will identify the critical mass of strategic resources and the economic impacts of the loss of farmland," Kozel said.

Farm bureau reluctance to participate

The Maryland Farm Bureau, at first reluctant to join the effort and suspicious of its motives, recently voted to send a representative to the Farms for the Future Board, according to board coordinator and AFT staffer Jill Schwartz. With or without farm bureau participation, about half the board members are farmers.

Paul Schiedt, executive director of the Maryland Agricultural Land Preservation Foundation and member of the board, said the board's mapping project may have made farmers nervous about whether the project would be state land use planning revisited, referring to failed legislation in 1992 that sought statewide zoning to protect natural resources, including downzoning of farmland. The farm bureau played a key role in the bill's defeat.

"We try to emphasize [the mapping] is just another tool," said Jill Schwartz. "Maryland is losing a lot of farmland and it's time to step back and look at where to go from here."

To receive the *Future Harvest* newsletter or to learn more about the project, call coordinator Spencer Waller at (410) 268-8816.

Grassroots initiative

Farmers' proposal would preserve dairy farming region, protect New York City's drinking water

continued from page 1

order from the EPA to prevent further degradation of the city's water supply.

In what could be a textbook case, the innovation began as a war between regulators and the regulated.

New York City officials, under pressure from the EPA, proposed regulations that clearly showed no understanding of the region's farms or farmers.

For example, one regulation forbade spreading fertilizer or storing manure within 500 feet of any spring or stream. In Delaware County, just northwest of New York City, most barns were built next to streams, where milk was once cooled in the running water. Another provision would have allowed inspections without a warrant, a proposal that set tempers on fire.

A few farmers set up an ad hoc task force to meet with New York City officials and seek alternative ways to meet the environmental mandate. Cornell University gave presentations on how nutrient and parasitic runoff got into the drinking water of the city's nine million residents. Federal and county agricultural officials introduced the concept of the "whole farm plan" and eventually convinced farmers that they would benefit financially from improving pasture practices. In the five-county watershed region west of the Hudson River, 90 percent of farms are dairies, with an average of 50 cows.

The farmers agreed something needed to be done, but after their experience with the first city edicts, they insisted a program be done locally and voluntarily, and just as important, be entirely funded by New York City.

From the other side of the table, city officials insisted that the farmers, in creating the Watershed Agricultural Council, recruit at least 85 percent of the 550 farms to participate in the program by the fall of 1997. On that, the negotiators shook hands and \$35.2 million, revenue from New York City water bills, became available for improvements that stem pollution and in most cases improve production. An average of \$75,000 is spent per farm. Already 450 farms are implementing new farm practices and installing pollution control facilities. Many farmers believe the pollution control will also improve farm productivity.

The clincher in the clean water campaign came when the EPA required that New York City purchase, for a recommended \$200

legislative and program briefs ...

In New Jersey ... Lumberton Township in Burlington County adopted a voluntary TDR Sept. 5. The provision was designed to carry out particular transactions between one farmer who owned 800 acres in several parcels and an expanding airport ... Due out later this fall is a report from a task force looking for alternative ways to fund the farmland preservation program. So far, the program has been funded exclusively through bonds, preserving 28,000 acres since 1981. Among signs of the program's maturing, according to executive director Don Applegate, is that local officials have been consulting with the farmland preservation program in developing community and economic development strategies. The program recently sponsored a seminar for appraisers on how to appraise farm buildings. Applegate reports that a proposed constitutional amendment would increase property tax breaks to farmers by including the home and homesite in ag use assessment. "We've been fighting it because a large part of the political justification for the tax break is that farmers pay tax on their house and lot just like everyone else," he said. *Applegate, (609) 984-2504.*

In Pennsylvania... The state board adopted new guidelines for counties that will require soil productivity to make up 40 percent of weighting criteria; 10 percent each for development pressure, farmland potential and growth potential of the preserved block; the remaining 30 percent is left to county discretion. "There's some more uniformity but counties still have flexibility to meet their own needs," said Ray Pickering of Chester County.

In Maryland... Carroll County planners have taken a TDR proposal to the county commissioners, and a proposal for local funding of easements using a 1/2 of 1 percent transfer tax is under consideration. Such a tax, identical to a tax established in Harford County, would raise \$2 million annually, according to program administrator Bill Powel (410) 857-2131. The program's last cycle had 30 applicants. ... Harford County program administrator Michael Paone will leave his position effective Oct. 27 to become deputy planning director for St. Mary's County.

In Massachusetts... The program is approaching 40,000 acres preserved on 400 farms. A bond bill will be voted on next month.

In Michigan... The state's Natural Resources

please continue to next page

Trust Fund, made up of royalties from oil and gas, which spends between \$20 and \$30 million annually on land acquisition, is being eyed as a source of funds for the purchase of farmland easements, according to Dave Skjaerlund of the Michigan Dept of Agriculture. While the board that administers the trust fund has never purchased easements, "the heat is on them tremendously," to do so, Skjaerlund said. Part of the reason is that continued state acquisition of land with its accompanying maintenance costs has come under question in the legislature. The statute that governs use of the trust fund "says you can buy development rights just to protect natural resources," and not necessarily include public access, Skjaerlund said. (517) 335-4560.

In Delaware... The fledgling program, newly funded with \$12 million for the upcoming year, will have appraisals lined up and its first offers made sometime in January, according to assistant administrator Stewart McKenzie. The first allotment of funds will be used up by next spring, he said. The program has had informal discussions with the state department of transportation about using transportation funds for purchase of easements along highway corridors where it would be cost effective to limit or subvert future possible access points. McKenzie, (302) 739-4811.

In Vermont... About 140 farms are now preserved in Vermont, the only state benefitting from the Farms for the Future Act. Still, only about one in four dollars spent on land preservation is federal money, according to Vermont Land Trust president Darby Bradley. About 50 percent of the funds is from private foundations, and the remainder from the state, he said. Preserving farms made up about 40 percent of the trust's closings this year.

In Connecticut... As of Sept. 1, 163 farms comprising 24,815 acres had been preserved, with \$9.2 million remaining as unallocated balance of funds authorized through 1997. An additional 1,872 acres on 10 farms are under negotiation or in outstanding contracts.

In Kentucky... While there will be an effort in the upcoming legislative session to seek initial funding for the farmland preservation program established in May 1994, achieving it in tough fiscal times will be an uphill battle, according to Steve Coleman of the Kentucky Division of Conservation.

In Congress... H.R. 2429, a bill introduced by Congressman Sam Farr of California and six co-sponsors on Sept. 29 would amend the Farms for the Future Act, creating block grants and broadening eligibility for grants to any state approved by the Secretary. Matching grants would be available to an eligible state and local governments approved by a state on a 50-50 matching basis.

Watershed Ag Council, from preceding page

million, 80,000 acres around the area of the Pepacton Reservoir in Delaware County. In this way, perhaps the city could avoid a far more costly EPA idea: a \$6 billion filtration plant.

But the farmers on the Watershed Agricultural Council, now a regional planning commission of a different color, began to think about how that \$200 million could be used to purchase conservation easements on farms along tributaries in the watershed. "It occurred to us that land use patterns were the way to protect the watershed," said Richard Coombe, chairman of the council, speaking at a roundtable session at a recent conference for easement administrators at Eddy Farm Resort in New York.

Executive director Gale Sheridin also attended. "We're at the top of the whole system in the Catskill Mountains, so we're addressing the problem from the original source. Easements tied to whole farm plans make sense to us," Sheridin said in a post-conference interview.

Whether the idea of conservation easements would be acceptable to the EPA has not come to light, but the proposal by the Council "has been discussed" according to Maureen Krudner of the EPA water management division.

Jerry Cosgrove of the American Farmland Trust (AFT) New York office said his mission was to get New York City officials "to phrase it as land protection rather than acquisition," so that the idea of conservation easements could fit into the equation.

Farmers on the Watershed Ag Council were at first uncomfortable with the concept of perpetual easements.

"They had philosophical concerns about what it meant, whether it was good, whether we should do this," Cosgrove said. But when executive director Sheridin and chairman Coombe attended the Eddy Farm conference, "they must have come away with the sense that farmer acceptance [of easements in perpetuity] is certainly not an issue," Cosgrove said.

The Watershed Agricultural Council is optimistic about the ultimate outcome of negotiations, and according to Cosgrove, they've been persistent.

"We're redrawing maps," said Gale Sheridin. "The desired land is along the rivers... we're pushing the idea that farming with the proper methods is less polluting than any other land use, and the legislature thinks it's less polluting than residential."

That's relevant, Sheridin said, because "we're within driving distance of New York City."

Contacts: Jerry Cosgrove, (518) 581-0078; Gale Sheridin, (607) 865-7790; Maureen Krudner, (212) 637-3888.

resources ...

Books and Publications

So Shall You Reap- Farming and Crops in Human Affairs

By Otto T. Solbrig & Dorothy J. Solbrig
Island Press/Shearwater Books, 284 pp., \$27.50

Meeting food needs of a growing population in a sustainable way is the concern of this book. It profiles the history of agriculture from its earliest beginnings, relating major historical circumstances to types of crops prevalent in the period, for example, the rise of the sugar industry to slavery, and the advent of grain production to the very beginnings of civilization. While the lessons are carefully researched and important, they are not new: our non-sustainable ways must end or we'll be faced with a food shortage, and, we must evolve from our western culture mentality of viewing the natural world as apart from us and a thing to conquer. Island Press, (202) 232-7933.

The Dying of the Trees- The Pandemic in America's Forests

By Charles E. Little
Viking. 274 pp. \$22.95

The author of *Hope for the Land*, published by Rutgers in 1992, turns his attention to the mounting evidence that pollution and even some forestry practices are threatening many species of trees with extinction. The extent of the demise is well-researched and astonishing, and, according to Little, similar to the loss of the Black Forest of Europe. This is a profoundly alarming book, with the same power, in epic proportions, as Rachel Carson's *Silent Spring*. Available in book stores.

Take Back Your Streets: How to Protect Communities from Asphalt and Traffic
The Conservation Law Foundation.

Street and road design that emphasizes human scale and activity is the subject of this handbook, published by CLF, New England's environmental watchdog group and co-sponsor of a conference on sprawl and superstores in Boston last fall. Send check for \$11.73, which includes postage, to CLF, 62 Summer St., Boston MA 02110 or call (617) 350-0990.

Rural Development in the United States: Connecting Theory, Practice and Possibilities

William Galston and Karen Baehler
Island Press, \$32

Rural development in the 1990's is influenced by a competitive global economy, the information revolution, the federal debt and other key factors. The authors examine how past rural development strategies influenced the environment, the economy and the political arena and suggest where to go from here. Call (800) 828-1302.

Conferences & Workshops

Oct. 13, Albany, NY: Reforming New York's Land Use Law, sponsored by Albany Law School, this half-day conference features discussions on the proposed reform of New York's 70-year-old land use statutes that have become a "complex web of regulations, processes and financial incentives, administered by numerous agencies at various levels of government, that is neither simple, efficient nor effective." Keynote address by Stuart Meck, former APA president and principal investigator of Growing Smart, the APA initiative to help states modernize statutes that affect planning and zoning. Fax your request for information to (914) 422-4015, or call Albany Law School at (518) 445-2329.

Nov. 15 - 17, Boston/Brookline, Ma.: Conference on Environmental Enhancement through Agriculture, sponsored by Tufts University, AFT and Henry A. Wallace

Inst. for Alternative Agriculture. Will explore approaches that serve agriculture and the environment. Topics include agricultural refuges for wildlife, watershed protection and water quality enhancement, renewable alternative sources of energy. Keynote address by Under Secretary of Agriculture Karl Stauber. Cost: \$100. Contact: (301) 441-8777.

Nov. 28 - 30, Hampton, Va.: "Unleashing Opportunities in Virginia's Inner Cities and Rural Communities", the 8th Annual Governor's Conference on Housing.

May 18 - 23, 1996, State College, PA: The 6th International Symposium on Society and Resource Management, hosted by Pennsylvania State University Department of Agricultural Economics and Rural Sociology. CALL FOR PAPERS. Will focus on the usefulness of the social sciences to natural resource decision makers and managers. Topics include the increased role of tourism in rural community development; developing natural resource partnerships; interdependency of ag, forestry, with conservation, preservation, recreation use of land and water. Submit abstract by Nov. 1, 1995. For information contact A.E. Luloff, Professor of Rural Sociology, (814) 863-8643.

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farmland preservation report

Covering the policies, practices and initiatives
that save farmland and open space

Since 1990 • Deborah Bowers, Editor

Farmland preservation and clustering: How do they mix?

Maryland localities with active farmland preservation programs and also subdivision regulations that allow clustering, or open space zoning within preservation areas, are experiencing mixed results with use of the form. Most planners say it's too soon to tell whether there can be an acceptable relationship between innovative development design and farmland preservation practice.

In one county, the combination of mandatory cluster zoning with transfer of development rights (TDR) may be helping to direct growth.

Baltimore County

In Baltimore County, a mandatory cluster provision was established in one of the county's resource conservation (RC-4) zoning districts,

where protecting agriculture competes with watershed, steep slope and forest protection. No major cluster developments have yet been built, but about a dozen are in various stages of review.

The county's agricultural zone restricts development to one unit per 50 acres, with options in the RC-4 zone permitting densities of one unit per 10 acres (1-10) for large-lot development, or one unit per five acres (1-5) if clustered with 70 percent of the site left in open space. Certain minor restrictions apply to the use of conserved portions of the parcels in both options.

The cluster provision was first adopted in June 1992, at that time allowing only the 1-5 density with design standards. When communities objected to site plans that looked too much

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Harford, Lancaster Counties move up in national rankings

Harford County, Md., and Lancaster County, Pa., have made significant jumps in their national standing for number of acres placed under farmland preservation easements, according to a survey conducted at the end of August by *Farmland Preservation Report*.

Harford County, boosted by its own dedicated funding through a 1/2 of one percent real estate transfer tax, and with the added advantage of installment purchases, protected an additional 8,065 acres since the last ranking of the nation's top farmland preservation localities, conducted by *Farmland Preservation Report* in November 1993. At that time, Harford had protected 6,935 acres under easement. The number is now 15,000 acres. This

very significant jump in acreage is unmatched anywhere in the nation, and jolted Harford County from number 10 to number seven in the

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Publishing

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Does open space zoning impede farmland preservation?

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like high density development, an option was adopted: developers could use half the allowed density (1-10) and divide the conserved portion of the property into private individual ownership, running lot lines through the conservancy area. The option stipulates only that the conservancy area be "contiguous to the greatest degree possible." It only precludes further subdivision of the parcels.

Baltimore County's cluster provision "came not as an ultimate solution but as a technique [with] potential to reduce impact on on-site resources," said Wally Lippincott, farmland preservation administrator in the Department of Environmental Protection and Resource Management.

Howard County

In Howard County, six cluster development projects are in the works, according to farmland preservation administrator Donna Mennitto. Some easements on conserved portions of clustered developments have been settled, she said, and some lots have been recorded and are on the market, but no cluster subdivisions are yet on the ground.

Despite this, Howard County planners have observed a relationship between preserved land and lot sales. Realtors, Mennitto said, have begun to check in with her office to learn where preserved parcels are, and what easements mean. "We spend a lot of time correcting misinformation," she said.

"Around here you get a premium for lots that back up to ag open space or easements. That's been a fact of life here and probably elsewhere as well. There's always been that symbiosis, but now they see cluster as a further use of that amenity."

Cluster development was never envisioned as a farmland preservation tool, according to Mennitto. "We saw it as a triumvirate approach — the zoning, the preservation, the site. At the very worst it would buffer development we couldn't stop."

Howard County's cluster provision offers a density bonus by dividing the gross acreage per parcel by four and one quarter to receive an additional unit. While that may not seem overly generous, Mennitto said some development projects involve more than one parcel, and can therefore receive extra bonus units per parcel.

Another difficulty with the cluster provision is

the county health department's continued resistance to the use of shared septic systems, a feature of open space development design that allows more land to be conserved. Without an alternative to separate septic systems, "it means that all the good percable land is where the lots go," Mennitto said. "We get the leftover land [for conservation]."

Carroll County

In Carroll County, where 22,195 acres are under permanent easement, there are problems with the county's clustering provision "because of its complexity," said Bill Powel, farmland preservation administrator. "Our cluster zoning does allow the lots on every individual farm, although we have a provision that allows the owner to transfer onto contiguous parcels, with one or two cases where they've done that. In effect, these clusters are going to occur on every farm," Powel said. Most clusters are from three to six lots.

Powel said the county's Critical Farms program, in which the county pays 75 percent of easement value to save farms until state funds are available, cannot keep up with farmers willing to participate because of lack of funding. "We don't keep up with it, and yes, they [clusters] do set up the potential for the psychology of impermanence," Powel said.

Powel believes that one effect of cluster development within the preservation areas is that as farmland becomes more fragmented, farming operations will probably change. He also feels that a transfer of development rights (TDR) program, with higher density receiving areas, would be preferable to the current allowances. If establishing traditional TDR can't work politically, "we'd be better off letting rights transfer within the ag zone at will... let one farm develop completely rather than have clusters on every parcel," Powel said.

Queen Anne's County

In Queen Anne's County, clustering is optional in all zoning categories. In the agriculture district, one unit is allowed per eight acres, with minimum lot area of 20,000 feet if clustering with individual septic, and one unit per 10 acres for large-lot development. The option is popular, with 436 cluster

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Nation's top 10 farmland preservation localities

RANK	COUNTY	ACRES	# FARMS	FUNDING
1.	Montgomery (Md.)*	43,216	n/a	State certified prg.- retains 75% ag transfer tax; local allocations
2.	Marin (Ca.)	25,504	38	Funds from Prop. 13 are depleted. Source of new funding undetermined.
3.	Carroll (Md.)	22,195	171	State certified prg.- retains 75% ag transfer tax
4.	Lancaster (Pa.)	20,020	235	State program cigarette tax and local allocations; grants to Lanc. Farmland Trust
5.	Caroline (Md.)	18,667	130	State program funds
6.	Howard (Md.)	15,743	134	State certified prg.- retains 75% ag transfer tax; 1/4 of 1% local real estate transfer tax
7.	Harford (Md.)	15,000	74	State certified prg.- retains 75% ag transfer tax; 1/2 of 1% local real estate transfer tax
8.	Baltimore (Md.)	11,090	101	State certified prg.- retains 75% ag transfer tax
9.	Queen Anne's (Md.)	9,546	50	State program funds
10.	Frederick (Md.)	9,264	51	State certified prg.- retains 75% ag transfer tax

* In Montgomery, most acreage is protected through TDR, not easement purchase. One building right per 25 acres is retained after transfer.

Harford, Lancaster counties shuffle national rankings

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ranking, displacing Baltimore County, and jumping over Queen Anne's and Frederick Counties.

Lancaster County, Pa., always a strong program with adequate funding from both state and local allocations, and with help from the Lancaster Farmland Trust, added 3,620 acres to its preservation pool, with a new total of 20,020. That moved the county up from fifth to fourth place, displacing Caroline County, Md. by more than 2,000 acres. With its sure funding and popularity with committed farmers, Lancaster will likely displace Carroll County, Md. for third place within two years unless Maryland pumps up its program funding.

All other rankings remain unchanged. Acreages include farmland protected under state and local farmland preservation programs only, and do not include land under easement through other programs or agencies such as the Maryland Environmental Trust (MET). If MET easements were included, the Baltimore and Harford ranking would be nearly tied, as Baltimore has more than 5,000

acres under MET easements.

At the time of the last ranking, while Montgomery County, Md. topped the list with 34,786 acres, its ranking was differentiated from the others because of its unique use of TDR, which accounted for the great majority of its acres. Thus, Marin County, Ca., grabbed attention for having the most acres under permanent easement in just eight years from purchasing its first easement in 1986.

Marin's top ranking has not changed. And, despite the depletion of funds for the Marin Agricultural Land Trust in the last year, MALT has placed 2,280 additional acres under easement. A new source of funding has not been identified, according to MALT director Bob Berner.

Not yet in the ranking, but showing enough strength to move into the nation's top 10 quickly, is Sonoma County, Ca., where the Sonoma County Agricultural Preservation and Open Space District has preserved 8,715 acres since its first transaction in 1991.

The District was created by voters in 1990 and endowed with a 1/4 percent sales tax. With its preserved acreage, Sonoma is just 549 acres below 10th place Frederick County, Md.

Use of open space zoning has mixed results for Maryland counties

continued from page 3

applications approved since 1987, comprising 1,120 lots, according to planning director Steve Kaii-Ziegler. Most clusters contain two to four houses, he said.

About 90 percent of Queen Anne's County is zoned agricultural or "countryside" where density is allowed at one unit per five acres. While the minimum lot size is 20,000 square feet, many lots come in at 3/4 to one and a half acres to meet perk requirements.

The county planning commission is "becoming more aware" of conflicts between new residents and farming operations, according to Kaii-Ziegler. "What we find occurring is citizens who buy cluster lots are becoming frustrated with ag operations," using as an example one family that had a child with a phobia of horses, he said.

The planning commission has instructed staff to find a mechanism for notifying new home owners about agricultural uses.

"There really hasn't been a big problem," but things could get worse, said Kaii-Ziegler, who thinks the second buyers of homes in clusters will be even less likely to explore neighborhood and zoning circumstances. Planting forest buffers might be a way to address some of the issues, he said.

Calvert County

Clustering has been mandatory in Calvert County since January 1993 and so far is used most in rural areas, according to easement program administrator Greg Bowen. Clustering, he feels, "is helpful. Obviously the best scenario is to preserve everything, but cluster is second best," he said.

Clustering in Calvert may be more effective than elsewhere because of the county's TDR program. Under the clustering provision, parcels in the county's sending area must preserve 80 percent of land area, but a parcel in the receiving area is required to preserve just 50 percent of its area, thus making parcels in the receiving area more attractive for development.

"It's working ... we have noticed most develop-

ment has been going into the receiving area. Only two major subdivisions have occurred in the sending area, [even though] the farming community constitutes over 50 percent of the land," Bowen said. "We had voluntary cluster for 10 years. It didn't work."

Open space zoning— history, current perceptions

Rural cluster development is referred to as open space development design by its originator and advocate Randall Arendt of the Natural Lands Trust. Arendt devised the zoning scheme as a senior planner for the Southern Maine Regional Planning Commission, and it was first adopted by a local government in Maine in June 1982.

In a cluster scheme, homes are grouped together on smaller lots than most rural zoning allows, and the larger part of a parcel is preserved as open space or for farming.

By 1989, Arendt had widely promoted the development scheme as a way to preserve farmland. Many localities began adopting the zoning, usually as an option in rural areas. But professionals in farmland preservation began to question its use where preserving agriculture was the goal.

One opponent of allowing use of rural clustering in agricultural areas was the Lancaster County (Pa.) Agricultural Preserve Board, whose executive director Tom Daniels began speaking out against adoption of cluster ordinances because of the way they might be used by townships.

A memorandum from Daniels to the county's planning commission in January 1992 went a long way in convincing the commission to reject a proposed cluster ordinance.

Daniels, an agricultural economist and co-author of two books on small town and rural planning, said a rural cluster ordinance in Lancaster County, with a population of over 400,000, would likely create land use conflicts, hasten farmland conversion, and defeat the purpose of urban growth boundaries within the county.

"Rural cluster zoning may make sense in a suburban setting where there is little farming activity and the goal is to preserve open space. In a county such as Lancaster with its strong agricultural base, agriculture is essentially an industrial process. The better we are able to avoid potential conflicts between farm and non-farm neighbors the

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Cluster, continued from page 4

better," Daniels said.

Responding to similar comments at an American Planning Association conference workshop in April 1992, Arendt said clustering should not be seen as a farmland preservation technique, but as a way to save rural character and open space.

"It is definitely a second best technique if not third best," Arendt said in a recent interview. "If you want suburbia, have a suburban zoning density. If you want to remain agricultural, have an ag zoning density, which would begin at 1-25. Communities where open space zoning is appropriate are those with 1-3 zoning. [Those communities] should realize they will not remain rural."

But open space zoning continues to spread in the mid-Atlantic states and beyond, being used interchangeably for open space or farmland preservation in localities with a wide range of agricultural zoning densities. In Carroll County, for example, clustering was adopted even with ag zoning of 1-20 and is now perceived as a threat to agriculture.

Carroll County needs "to limit geographically where cluster goes," said Randall Arendt. "I agree it will fragment farmland, there's no question it will. TDR must be done in the core agriculture area."

Likely due to the state's progressive land use planning profession, most Maryland counties have adopted clustering as a means of curbing large lot development, now blamed for much of the ecological mayhem wrecked on the Chesapeake Bay. Clustering is widely perceived as a better form of sprawl, in that it results in less impermeable surface area and smaller lawns where fertilizer and pesticides are applied.

Harford County, with 1-10 agricultural zoning, is the latest to adopt voluntary "conservation development" standards. Harford planners view the option as a way to protect open space on parcels that would otherwise be lost to minimum two-acre lot development in Harford's rapidly developing ag zone.

Contacts: Wally Lippincott, (410) 887-2904; Donna Mennitto, (410) 313-5407; Bill Powel, (410) 857-2131; Steve Kaii-Ziegler, (410) 758-1255; Greg Bowen, (410) 535-2348; Tom Daniels, (717) 299-8355; Randall Arendt, (610) 353-5587.

etcetera ...**Highway portends farmland loss in Will County, Ill.**

Will County's land use plan calls for concentrating development in its northern area, adjacent to metropolitan Chicago's Cook County, and a planned interstate connector is one element in a strategy to foster growth. The planned route would connect two other interstates that serve the area, and while the road would cut through farmland, it is not farmland Will County officials care to save.

But another extension of the same interstate is also proposed that would continue south to serve the proposed and widely controversial third Chicago regional airport that would swallow about 20,000 acres of Will County's agricultural base and set in motion a development boom that would likely erase farmland protection as an issue in Will County.

But with or without the airport, citizens who oppose the new highway believe growth pressures can be expected to increase in all parts of the county regardless of the specific location of the road.

However, a district engineer with the Illinois Department of Transportation responded to a citizen by saying:

"A benefit of FAP Route 340 is to facilitate existing developments and accommodate planned growth in the southwestern part of the Chicago metropolitan area, particularly in northern Will County. By facilitating growth into areas that have been previously slated for development, this highway facility will help reduce development pressures on open areas which are more suitable to remain as such ... Urban sprawl is already taking place in this area. ..."

Successful programs leave more applicants in the cold

Washington, D.C. — The American Farmland Trust released a study in July that reports only 15 percent of farmers who apply to farmland preservation programs for easement sale are receiving offers, and states with the most well-endowed programs have higher ratios of farmers left waiting in line.

In Pennsylvania and Maryland, which together account for about half of all farmland acreage preserved in the nation, there are about 10 farmers waiting for every one that receives an easement offer.

The AFT said there is little doubt that limited funds in state and local farmland preservation programs has contributed significantly to farmland loss, as "six years is generally beyond the financial planning horizon of most farmers, especially those most pressured by circumstance to sell land for development." In the 14 states with farmland easement programs, some of which are not funded at all, more than 106,000 acres of prime and unique farmland is being urbanized every year.

The AFT said the federal government "must become part of the solution" if state and local programs are to better meet the demand for easement sales.

California farm bureau confronts land use issues, on side of conservationists

SACRAMENTO, CA — While farm organizations that deal with land use issues have been noted opponents of environmental regulations and any law that remotely could affect private property rights, the California Farm Bureau Federation (CFBF) is a sight for the sore eyes of land conservationists.

The CFBF for the last several years has been evolving into a farm organization that has acknowledged California agriculture's worst nightmare: farmland loss so astonishing it could conceivably bring an end to the state's ag industry.

Last February CFBF supported a report produced by the Bank of America, the California Resources Agency and environmental and housing interests that outlined precisely how sprawl was threatening California's economic well-being and quality of life. The "Beyond Sprawl" report reflected many of CFBF's land use objectives, such as encouraging local governments to prevent suburbs from encroaching into lands enrolled for protection under the Williamson Act, which provides tax breaks in exchange for foregoing development for at least 10 years.

John Gamper, CFBF's tax and land use specialist since 1986, believes the organization can no longer sit on the fence and play both sides of the land use issue. It can't protect the future of farming and at the same time be a loyal defender of farmers who want to sell out to developers.

But CFBF clearly advocates voluntary approaches to farmland preservation, such as right-to-farm laws (which 40 California counties have), agricultural protection elements in comprehensive plans and efforts to reduce what Gamper calls "cash-box zoning" — municipalities annexing farmland to compete for future revenue. Pro-development local officials see farmland as tax base and are eager to trade in agriculture for the property and sales tax revenue that comes with development.

"If developers don't get their way, they put up their own candidates," Gamper said. Such decisions have resulted in the total loss of farmland in Orange County and the Santa Clara Valley.

It has become apparent that Central Valley agriculture, which produces over half of the nation's fruits and vegetables, is no longer a sure thing. The valley lost almost a half-million acres of farmland in just five years, between 1982 and 1987. Intensive development continues throughout the valley, with major new towns in the planning stages.

Land is finite, and the CFBF is working in that context. "There's no valley over the next set of hills," Gamper said.

For example, the CFBF has put itself in the hot seat this legislative session by supporting a bill that would require developers to be

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legislative and program briefs ...

In Pennsylvania ... Farm Link, a program that links farmers who are retiring to those who are aspiring, performed its first link. The pact between the two farmers will result in a gradual increase in the Westmoreland County farm's dairy herd, eventual buy-out of equipment and a first option to buy the farm. The program is operated by the Center for Rural Pennsylvania (717) 787-9555.

The state program is nearing the 70,000-acre mark in preserved farmland, comprising 556 farms in 31 counties.

In Maryland ... Effective July 1, the Maryland program is back to a one cycle per year application period. Also, the Foundation has lifted the 50 percent cap on applications that counties can send to the state, and now is accepting 80 percent of applications, which are prioritized by the counties. This means more farms that applied in the July 1995 cycle will be appraised. The cap had been imposed to cut appraisal costs when funding was low and it was then unlikely all farms that were appraised would receive offers.

In New York ... The Commission on Rural Resources is working with Resource Conservation Districts to encourage landowners to allow public access to areas that would bolster local recreational tourism. "One incentive particularly would be reduced liability. Also locally they could charge fees," said Ronald Brach, executive director. The New York legislature recently passed a bill that provides guidelines for developing and adopting comprehensive plans. Open space protection is included. ... The State Commission on the Capitol Region is exploring ways to strengthen the role of counties in land use planning.

In North Carolina ... Sustainable it isn't — a lagoon holding 25 million gallons of effluent from 10,000 hogs spilled into the New River in late June, killing everything in the river that uses oxygen, reports the Center for Rural Affairs. The lagoon's sidewall burst despite being built to the latest federal specifications just 18 months ago. To top it off, the National Pork Producers Council quickly held a private gathering to make plans for a new public relations campaign.

In Ohio ... The Ohio State Extension has been promoting the concept of farmland preservation, so far producing two conferences on protecting Ohio's countryside and managing change. The events have been well attended.

In Michigan ... A grassroots effort to move

Washtenaw County toward farmland preservation has been underway both formally and informally, according to Jeff Winegard, a consultant for the American Farmland Trust. Such an effort in Washtenaw County, adjacent to Ann Arbor, should make the state legislature take notice, Winegard said. The county still has "a pretty good block of farmland but it's going rapidly," he said.

In Illinois... The Will County farm bureau is opposing the proposed third airport for the greater Chicago region, which would convert about 20,000 acres of farmland in Will County. ... In Lake Forest, an historic community on Chicago's North Shore, the Lake Forest Open Lands Association and the City of Lake Forest are working with consultants to study the costs of continued residential growth as compared to the benefits and costs of protecting open space.

In Minnesota ... U.S. Secretary of Agriculture Dan Glickman has accepted an invitation by the Land Stewardship Project and other members of the Campaign for Family Farms and the Environment to visit the midwest to see for himself the effect factory hog farming is having on rural communities. The Project hopes to show Glickman examples of sustainable, and humane pork production.

In Washington ... The King County Agriculture Commission is exploring ways to further protect farming in the county, where 12,500 acres were placed under conservation easement in a sunset program in the 1980s.

In California ... The Senate Committee on Housing and Land Use will hold hearings during the legislature's fall recess which begins this month. Legislators return to Sacramento next January. Among land use topics during the hearings will be the link between land use planning and water supplies.

In Congress ... Farm Bill update: — Sept. 22 will be the last chance for farmland preservation advocates to lobby for funding of the Farms for the Future Act. According to the AFT, authorizing language must be in the reconciliation bills that both houses pass to their budget committees on Sept. 22. The AFT is calling on supporters to contact representatives urging them to support authorizing matching grants to states for farmland protection. Representatives should contact directly House Agriculture Committee Chairman Roberts, as well as Rep. Allard, chairman of the House Agriculture Subcommittee on Resource Conservation, Research and Forestry. To reach your representative call the House switchboard at (202) 225-3121. **Estate tax bill update:** The American Farm Protection Act, H.R. 864, has gained two new sponsors. The Senate version of the bill, S. 910, has not yet gained co-sponsors.

Ca. farm bureau from preceding page

assured of a water source before getting permits to build major subdivisions.

Introduced by Sen. Jim Costa, chairman of the Agriculture and Water Resources Committee, the bill is supported by agriculture groups, water districts and environmentalists. Opponents include the heavy hitters — the builders, chambers of commerce, realtors and local government associations. "The governor's office is calling this bill 'a politician's worst nightmare,'" Costa said.

The CFBF's support of legislation that could curtail development projects that some of its members may favor reflects a membership in transition, with younger members coming into the field with fresh investments in agriculture education. "University educated farm managers and growers are running the business," said Peter Detwiler, consultant to the Senate Committee on Housing and Land Use. "And they're realizing that their scientific management principles aren't worth a thing if they don't have the land."

Farm bureaus across the nation have long been what in political terms would be called "mugwumps"— those who espouse both sides of an issue, this being a case of defending one farmer's right to farm while defending his neighbor's right to develop. But could the California Farm Bureau Federation's shift in the land use arena be a bellwether for national farm organizations?

"Growth management is a hot topic with many implications for our members," said Don Parrish, environmental policy specialist for the American Farm Bureau Federation. "We're seeing more and more conflicts over urban sprawl, complaints about sprays and odors. Many farmers are at the mercy of people who don't understand agriculture.

"But we haven't had to deal with growth management," said Parrish, an expert on clean water and wetlands issues who said AFBF will formulate policy based on input of members in the field. "For the most part, these conflicts have been confined to the west and northeast... Connecticut and Maryland. But California is clearly at the forefront."

For farm organizations that have traditionally held prominent positions in the daily life of local governments, maybe such change will appear in a subtle way, as it did at CFBF. John Gamper realized a change was in the air three years ago at a state membership meeting.

"One delegate is president of Tejon Ranch Corporation, a 270,000-acre cattle ranch that they want to turn into a town. He'd fought me before on key bills and was fighting me on our policy that local jurisdictions should have to consider the environmental impact of significant ag conversions. He gave this impassioned speech in favor of repeal [of the policy], but failed for lack of a second from any of the 50 delegates in the room."

Chicago writer Robert Heuer contributed to this story.

resources ...

Publications

Main Street: New Tools for Downtown Revitalization

National Main Street Center, National Trust for Historic Preservation

This is a catalog that lists the many publications available to help citizens and planners preserve or alter their downtowns for better pedestrian use, easier, more visually acceptable parking patterns, more pleasing signage, historic building maintenance, event development, federal assistance, nonprofit board development and more. For a copy of the catalog call the National Trust at (202) 673-4000 and ask for the Main Street Center.

Amish Enterprise: From Ploughs to Profits

Donald B. Kraybill

Johns Hopkins University Press, Oct. 1995, \$14.95

Kraybill explores the economic evolution of a people who were once almost exclusively agricultural, but are now moving into cottage industries that are nearly all successful to some degree.

Kraybill studied 1,000 Amish businesses in Lancaster County, Pa. and found 15 percent had sales of over \$100,000 and 7 percent with sales of over \$500,000. The Amish business style blends religious belief with family-oriented culture. The result is a new entrepreneurial code of conduct: think big, stay small.

Lancaster County's Planning Commission created in 1990 model ordinances for agricultural support districts, farm-based businesses and farm-related businesses to regulate the intensity as well as encourage the economic vitality of its Amish communities. For ordering information, call Johns Hopkins Press at (410) 516-6900.

Doing Deals: A Guide to Buying Land for Conservation

Trust for Public Land/Land Trust Alliance,

175 pp. \$25

A practical, comprehensive guide to acquiring conservation land. Explains the basics of conservation real estate and describes the technical, legal, and financial strategies that produce successful conservation transactions. Call LTA at (202) 638-4725.

1995 National Directory of Conservation Land Trusts

Land Trust Alliance \$20

Lists the more than 1,000 land trusts now operating in the U.S. Each entry profiles the organization and its work and provides complete contact information. Call LTA at (202) 638-4725 or send check for \$24 (incl. shipping) to LTA, 1319 F St. NW, Suite 501, Washington, D.C. 20004-1106.

Conferences & Workshops

Sept. 12 - 16, New York, NY: Inside Urban Ecosystems - 7th National Urban Forest Conference. "The concept of urban forests is broadening rapidly. Just over a decade ago, this movement was largely about planting and caring for street trees. Today, GIS maps and analyzes entire ecological systems. As our understanding and implementation grows, so too does the diversity of the people involved. Their common cause: making our cities better places in which to live." Organized by American Forests. Sponsored by U.S. Forest Service and the New York State Dept. of Environmental Conservation. For registration brochure call American Forests, (202) 667-3300 or Fax request to 667-7751.

Sept. 16-18, Portland, OR: "Rail-Volution": Building Successful Communities with Rail, sponsored by City of Portland and other state and local agencies, focus on land use, funding, development and communities. Contact Bill Shoemaker, 800-788-7077.

Oct. 1 - 5, Cape May, NJ: The National Fish and Wildlife Foundation's 1995 National Partners in Flight Workshop, Building Consensus for Action— Developing a Strategy for a National Conservation Plan. The Foundation is a federally-chartered, independent non-profit organization sup-

ported by private contributions. "Partners in Flight" is an initiative to reverse declines in neotropical migratory birds through habitat protection and management, training and public education in North America, Latin America and the Caribbean Basin. Request registration materials from: Partners in Flight, c/o D. Lawrence Planners, 1125 Atlantic Ave., Suite 634, Atlantic City, NJ 08401, or fax request to: (609) 348-4433.

Oct. 11 - 15, Fort Worth, TX: Strategies and Partnerships for a New Era, the 49th National Conference of the National Trust for Historic Preservation. Send preliminary program request to: NTHP, 1785 Massachusetts Ave NW, Washington, DC 20036.

Oct. 15 - 19, Pacific Grove, CA: National Land Trust Rally 1995, organized by the Land Trust Alliance will take place on the Monterey Peninsula. Time is running out to register for this exceptional conference. Registration fee now is \$255 for members and \$330 for others. More than 100 speakers lead 80 sessions on land transactions, fundraising, partnerships, conservation easements, land stewardship, etc. More this year on farmland protection. Field trips, networking, special events. For brochure call (202) 638-4725.

May 18 - 23, 1996, State College, PA: The 6th International Symposium on Society and Resource Management, hosted by Pennsylvania State University Department of Agricultural Economics and Rural Sociology. CALL FOR PAPERS. For information contact A.E. Luloff, Professor of Rural Sociology, (814) 863-8643.

Subscriber Services

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farmland preservation report

Covering the policies, practices and initiatives
that save farmland and open space

Since 1990 • Deborah Bowers, Editor

Delaware program receives first funding for easements

DOVER, DE — The Delaware legislature passed an appropriations bill June 30 that authorizes \$32.8 million for open space, farmland preservation, resource conservation and development and a parks endowment fund. The farmland preservation program will receive \$12 million for the purchase of development rights, the first such appropriation since establishment of the program in 1991.

Up to \$2 million will be transferred immediately to the farmland preservation account. Additional amounts will have to be leveraged through demonstration of matching contributions of cash, land, development rights or donations on bargain sales. The matches each fiscal year will be at a ratio of one non-state to four state dollars.

The Delaware Agricultural Lands Foundation

expects to do a lot of negotiating with farmers in order to stretch state dollars, according to staffer Stewart McKenzie. "We have seven or eight applications already ... that's just the beginning," he said. About 20,000 acres are already enrolled in agricultural districts, with another 5,000 acres near completion of enrollment. No purchases will be completed before next January, McKenzie said.

The appropriations from the state's Twenty-First Century Fund originated from the state's settlement of decade-long case involving millions of dollars in abandoned securities and money called escheat funds with the state of New York and 47 other states. The long awaited deal netted \$220 million for Delaware, and early this year

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Illinois town's acquiescence a study in farmland loss

HUNTLEY, IL — Although it lies a full 50 miles northwest of Chicago, the small town of Huntley in McHenry County is poised for change. A development company that opened an outlet mall at Huntley's interstate exit last summer promises to bring residential development in a big way — 4,600 housing units are expected to increase the town's population to five times its current 2,400 residents.

Called "the region's largest and most comprehensive master-planned community," expected to take 20 or more years to build, it will also include business parks, retail centers, two 18-hole championship golf courses, lakes, parks and a new municipal center. The project will convert 2,649 acres of farmland along and near the interchange.

While the project itself will not convert prime farmland, its effect will be felt throughout the McHenry farming community. The plan is a

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Bowers
Publishing

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Delaware joins mid-Atlantic states as a funded program

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Gov. Thomas Carper proposed that \$40 million from those funds be earmarked for farmland preservation, a proposal that received public support. The governor also proposed the same amount for open space acquisitions and easements.

Purchasing easements in Delaware could be an expensive proposition —there is no agricultural zoning and sprawl has touched every part of the state. Development values will likely be high in many areas. A majority of farms are near commercial properties, according to Foundation staff.

Nevertheless, the Foundation will prioritize applications according to GIS ag lands preservation strategy maps prepared by the Foundation staff for each of the state's three counties. The strategy maps were created using a Land Evaluation and Site Assessment (LESA) system modified to measure suitability on an area-wide basis instead of a site-by-site basis. Foundation staff created the maps over the last year in a GIS effort that has become a model for other state agencies in a state planning initiative.

Application and funding cycles will take place in six-month intervals, with application periods of October 1 to March 31, and April 1 to September 30. The program has been geared up to begin the easement purchase process since regulations were in final draft in the fall of 1992. Within a few months, farms comprising 5,000 acres had applied to create agricultural districts.

In 1990, when then-governor Michael N. Castle vetoed farmland preservation legislation because it created too many tax breaks for ag districts, there was ambivalence on the part of farm groups about the proposed program. Yet sprawl in Delaware had already reached a crisis level.

The year before, in 1989, the governor had appointed a task force to study the future of agriculture in a state that ranked among the top eight states in percentage of land used to grow crops, but also was among the top six states in the percentage of land mass in urban use. Chicken production made up 80 percent of business and was projected to increase. Acute conflicts had arisen in several major and well-publicized developments that threatened whole agricultural regions within the state including an Amish community.

The task force was alarmed by population

projections and forecasts of regions converting from rural to suburban and included in its recommendations that the Department of Agriculture explore the purchase of development rights. Other proposals focused on marketing. No land use recommendations were made. *Contact: Stewart McKenzie or Austin Short, (302) 739-4811.*

Supreme Court Ruling:

Land use regulation valid use of Endangered Species Act

WASHINGTON, D.C. — The Endangered Species Act can be administered through regulatory land use controls on private lands in order to protect the habitat of endangered and threatened species, the Supreme Court ruled on June 29.

While the 6-3 ruling may be seen as a victory for conservation interests, the property rights movement has retrenched for an even stiffer battle in Congress, where the ESA is under broad attack.

The decision was handed down in a case brought against the Interior Department by a group of Oregon loggers fighting a timber-cutting restriction to protect the northern spotted owl and red cockaded woodpecker.

At issue in *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon* was the definition of "harm" as stated in the law and interpreted by Interior Department regulations. It is unlawful to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" endangered or threatened species, states the ESA, and part of the Interior Department definition of harm is "significant habitat modification or degradation..." regardless of ownership.

The court majority ruled that the Interior Department's definition of harm to encompass habitat degradation was reasonable "given Congress' clear expression of the ESA's broad purpose to protect endangered and threatened wildlife."

Habitat protection as the most effective strategy to protect biological diversity was recently endorsed by the National Academy of Sciences. More than 800 species are listed as threatened or endan-

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Supreme Court, from previous page

gered, with more than 90 percent of those depending to some extent on stewardship of private land.

Interest groups that backed the loggers, including the National Association of Home Builders, the U.S. Chamber of Commerce, and the American Farm Bureau, vowed to work harder to dismantle the ESA to strengthen private property rights.

Steven Quarles, an attorney for the group of loggers, said the ruling would be "Exhibit A in the case against the Endangered Species Act... Congress never intended to give authority to the secretary of the interior to be a national zoning czar."

Nancie Marzulla, president of Defenders of Property Rights, said "people are going to be pounding down the doors of Congress saying, 'Fix this mess.' It's one thing to protect endangered species. It's another thing to preclude and declare off-limits normal uses of land, when you've got people's livelihoods at stake."

Backing the Interior Department were most of the nation's major environmental groups and 13 scientists, including noted Harvard biologist and author Edward O. Wilson.

"With every species that disappears we're losing opportunities for scientific research and technological advances... and the more we reduce biodiversity worldwide, the less productive and more vulnerable humankind will be," Wilson said. *Parts of this story were culled from reports in The Washington Post and Philadelphia Inquirer.*

Pennsylvania

Counties block attempt to standardize evaluations

HARRISBURG, PA — New Pennsylvania program guidelines designed to standardize how counties evaluate and rank farmland preservation applicants have been dropped after a number of county boards wrote letters of protest to the state agricultural preservation board. Counties complained that standardization of a ranking system was not feasible, that counties differ in the values they place on certain factors, including likelihood of conversion, and proximity to other eased lands.

In a letter to the state board, Berks County board chairman Robert C. Ziegenfus strongly objected to a proposal that farms under more clear development pressure receive higher rankings. Not only would such a requirement mean higher per-acre costs, but "such an emphasis is counter to the Berks County Comprehensive Plan," which states priority should be given to "protect farmland that is not under significant development pressure."

"Every county is going to be different... even if they are neighboring, the issues will be different," said Ellen Dayhoff, director for Adams County and president of the Pennsylvania Farmland Preservation Association. "It's going to be difficult for the state board to expect a blanket approach."

Dayhoff said she and her board were pleased when a guidelines review committee, created by the state board to make "regulatory updates," recognized that counties need flexibility and dropped many of the proposed guidelines in late June. But Adams County and other county boards are still concerned about the committee's proposed requirement for subdivisions on preserved parcels.

The committee, made up of several members of the state board, proposed that counties must allow subdivision to create a tract of two acres or less for landowners to construct a principal residence or housing for farm employees. Counties would have the option to not permit subdivision if it would harm agricultural production.

Some townships have three-acre lot minimums and others don't even require subdivision to construct one additional home, according to Tom Daniels of the Lancaster County Agricultural Preserve Board. "Otherwise, two acres is a good standard. The thing is, there are always unique circumstances you have to use judgement on... county boards are better situated to exercise that judgement," Daniels said. "I think it's going to take some time to hammer out new regulations that will satisfy both the state board and the counties." The subdivision proposal will be discussed at the board's August meeting.

Some county boards objected to a mandated LESA 50-50 weighting of site assessment and land evaluation. Many counties wanted greater weight given to site assessment than to land evaluation,

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according to Dayhoff. The Berks County board commented that the proposal to move away from the more typical one-third land evaluation and two-thirds site assessment scoring seemed purely arbitrary.

Several county administrators involved in establishing the Pennsylvania Farmland Preservation Association, which organized and elected officers June 30, said controversies could have been avoided if county boards had been represented on the review committee. Some said the organization, made up of county farmland preservation administrators, formed because many county administrators and county boards have been displeased with state board actions that did not consider or fully understand county-level concerns. *Contact: Ellen Dayhoff, (717) 334-6781.*

New Jersey

Open space, farmland would get boost from bonds

TRENTON, NJ — The New Jersey legislature passed on June 29 a bond act that will place a \$340 million referendum on November's ballot, slated for land preservation.

The allocations include \$250 million for open space acquisition, \$50 million for farmland easements, \$30 million for coastal and floodplain acquisitions and \$10 million for historic preservation.

The need for farmland and open space preservation has become critical in a state where counties such as Middlesex and Morris, located in the middle of the state, lost 25 percent of their farmland just between 1990 and 1994. Other adjacent counties have lost 18 percent and 12 percent of their farmland in the same period, according to the state department of agriculture. In Middlesex County, population in that period grew by only about three percent and in Morris, by about four percent.

According to an article in the *The New York Times* of July 3, six counties that make up the middle of the state, and that lie south of the areas adjacent to New York, are now rivaling those northernmost areas in population and jobs.

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etcetera ...

Utah task force exploring farmland preservation

Salt Lake City, Utah — A task force created by the legislature to study farmland preservation has begun its work with a great deal of enthusiasm, according to task force member Wendy Fisher of Utah Open Lands, a nonprofit conservation group.

"In some areas of the state there's not a lot of farmland left, but generally it's not too late. Whatever we save will be critical," Fisher said. The state lost 320,000 acres of farmland between 1980 and 1990 "and has lost half of that again since," she said.

The best farmland is located in the state's most populated and rapidly growing region, along the Wasatch Front, a series of valleys and plateaus extending from the Wasatch mountain range.

The Land Conservation Task Force was created "to study the preservation of agricultural land to preserve agriculture and scenic, wildlife, or recreational resources, or those resources which have public benefit or cultural significance..." The 18-member group including legislators, natural resources and agriculture directors, and real estate and conservation interests, has until Nov. 30 to report. Fisher, (801) 649-0220.

Farmland preservation video national award finalist

Minneapolis, Minn. — A video produced for the Land Stewardship Project, a Minnesota sustainable agriculture and farmland preservation advocacy, was a finalist in the annual Telly Awards, a national competition of privately produced short films.

The video, *Houses in the Fields*, interviews farmers and developers on the urban edge. Farmers testify on difficulties of farming near the Twin Cities. A developer attests that he is only creating what people want and what the market allows. A pastor discusses how farmland should be seen as belonging, spiritually, to everyone, and says that a state program is needed to save farmland. A young farmer emphasizes the wisdom of keeping agriculture within suburban regions.

Testimony of individuals caught in the controversy is interspersed with an MTV-like performance of the sad and folksy "Houses in the Fields," sung by guitarist John Gorka. A poem about energy from the soil is recited to farm images.

The Telly Awards, founded in 1980, judges non-network and cable commercials and film and video productions.

Houses in the Fields was directed by Will Hommeyer and produced by Blue Moon Productions of Minneapolis. The 26-minute video is available from the Land Stewardship Project for \$25. Call (612) 653-0618.

Program directors urge land protection in farm bill
Washington, D.C. — Ten farmland preservation administrators from the New England and mid-Atlantic states have signed onto a letter urging Congressional agriculture committee members to make farmland protection a priority in the 1995 farm bill.

"Our states have mutual goals where preservation efforts are concerned, but we need a federal partner in our quest to save some of the most fertile farmland in the country," the letter said. The effort was coordinated by the Delaware Agricultural Lands Preservation Foundation.

Land use votes for sale— FBI nabs former planner
Fresno, Ca. — A federal investigation of municipal corruption uncovered in early July a former planner turned consultant who also turned bad during 15 years as a lobbyist for developers in Fresno County. Jeffrey T. Roberts, 43, pleaded guilty to helping a city councilman extort a \$10,000 campaign contribution from a developer in exchange for a rezoning.

The probe turned up an entrenched, and long-suspected system of buying and selling land use votes. Citizen groups opposed to sprawl had long complained of back room deals, of politicians being bought off, but had no solid evidence. Rumors of cash payments hidden in the folds of building plans have turned out to be more fact than fiction.

Roberts, who represented the vast majority of projects in Fresno and adjacent Clovis in recent years, was a player in virtually every major zoning change and general plan amendment. His confession during an FBI and IRS probe, which assures a reduced prison sentence, has created a lot of tension among developers and politicians alike in the central San Joaquin Valley.

Roberts is the grandson John E. Roberts who was head of Los Angeles city planning during the city's post-World War II building boom. The younger Roberts was a Fresno County planner who was laid off in 1980. He then began working as a lobbyist for builders and developers and became legendary for his ability to win zoning changes and general plan amendments. Roberts dressed expensively and drove a 1961 Corvette with a license plate that read REZONED. *This story was culled from a report in the July 7 Los Angeles Times.*

New Jersey, from preceding page

Open space preservation in the state is currently about 250,000 acres shy of the state's goal of preserving just over one million acres for recreational use, according to Tom Wells, administrator of the state's Green Acres program within the Department of Environmental Protection. When Green Acres was created in 1961, between 400,000 to 500,000 acres were already in state ownership, "so we have quite a way to go," Wells said.

Green Acres has worked with the farmland preservation program on an ad hoc basis, such as when Green Acres purchased an environmentally sensitive stream corridor and the State Agriculture Development Committee purchased an easement on the remainder of the farm parcel. Another program, called the Green Trust, uses easements and is "more reactive to applications," Wells said.

"We also get involved in cooperative projects where no one agency has the resources to save the land," Wells said. Localities are given partial grants or loans they pay back. There is also a program specifically for matching grants to nonprofits.

Well's agency will be administering a newly created program called Blue Acres that will acquire floodplain properties along the Passaic River and sensitive coastal parcels prone to storm damage in fee simple.

During the 1980's the state conducted voluntary buyouts of small parcels along the Passaic, demolishing the homes afterward. The properties were for sale in each case, Wells said. "It's much more efficient with dollars and time to work with willing landowners." Appraisals showed the state purchased properties for "far less than the land was worth," he said.

For decades New Jersey has struggled with what to do about the flood-prone Passaic. One option was "a structural solution," Wells said, of building "a big tunnel" that would dump flood waters into the bay. But the buy-out option eventually won more support.

"We were working in the context of limited fiscal resources. In an era of relative fiscal austerity it was a good move on the part of the legislature and the governor to see this as urgent. We'll see what we can do with the Blue Acres programs." *Contact: Tom Wells, (609) 588-3450.*

Losing ground as prime farming region

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study in how northeastern Illinois appears destined to move from its status as possessing some of the world's richest farmland to one of the nation's most sprawling regions.

The change is ushered by state financing incentives, a tollway system that continues to grow and foster development without public oversight, and local governments bound to the belief that growth, in any form, is desirable.

Illinois has a farmland protection policy that provides guidelines for protecting prime and important soils, and for finding alternative sites for state agency projects. But no state policy affects the Illinois Toll Highway Authority which has plans to continue building tollroads into rural counties, including McHenry, linking them ever more conveniently to Chicago and exposing whole agricultural regions to an infectious impermanence syndrome.

The toll highway authority has been a major economic development booster — and instigator — throughout the state, and the Huntley project is no exception. Its job there is to expand the interchange to provide improved access for the project site.

Huntley's village officials appear to be somewhat dazzled that such a project would come to them. Village president James Dahmer was optimistic about the development proposal when Prime Group Inc. executives first presented it as a boon to the town. That was three years ago. Prime Group has had a rough time with homebuilders who backed away because high-priced lots would put the project out of the starter home market — the only market many feel can make it this far out from Chicago. Planning official Philip Bus in adjacent Kane County dubbed the Prime Group problem "An Interchange Too Far."

In addition to troubles finding homebuilders, the company has had finance complications. But the company says the project will move forward and Dahmer still sees it as an economic opportunity that should fill Huntley with pride and optimism.

"So far the effects are good. The shopping center is doing great," Dahmer said. Sales tax revenue has put an extra \$80,000 in the town coffers since last August when the mall opened, he said.

Dahmer is not worried about how the development will

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legislative and program briefs ...

In Michigan ... Bills introduced in the House and Senate would authorize localities to transfer and purchase development rights, create urban and service districts and use development agreements. These would be enabling laws that would make it unnecessary for localities to request special authorization from the legislature to use the techniques.

In Connecticut ... The final state budget, which is biennial, has allocated \$3 million to the farmland preservation program for each of the next two fiscal years. In 1994-95 the program had \$5 million, but "they reduced the budget for everybody's [program] so we don't feel bad at all," said program assistant Pat Donelan.

In Utah ... The legislature passed a bill that will exempt conservation easement properties from the state's agricultural land conversion rollback tax. The tax break applies to easements sold or donated. Utah's Land Conservation Task Force, created by the legislature to study ways to preserve agricultural and natural resource lands, has begun meeting, according to task force director and associate general counsel Tani Downing, (801) 538-1032.

In New York ... The state has appropriated \$300,000 for county agricultural and farmland protection planning grants, as well as \$1.3 million for nonpoint source projects. Seven counties have applied for the planning grants and others have expressed interest, according to Jerry Cosgrove of the American Farmland Trust, New York office, (518) 581-0078.

In Florida ... Palm Beach County may include a \$70 million bond referendum on the Nov. 1995 ballot that, if passed, would fund a program to purchase easements within its agricultural reserve area. An AFT poll indicated that voters may support the targeted sum, half the amount originally slated for a vote ... Craig Evans has resigned as director of AFT's Florida office to operate his own business.

In New Jersey ... In addition to the bond act, also passed was a bill that will allow agricultural assessment on small horse farms. The farmland preservation program has now preserved 26,000 acres on 176 farms.

In Oregon ... Farmland protection in Oregon survived a major onslaught of conservative politics this past legislative session. A shift in the legislature created some bills that would have hurt

farmland protection, but most died in committee. A takings bill that started out as a major threat to conservation efforts was modified and is still expected to be vetoed by the governor.

In California ... SB 275, the Agricultural Land Stewardship Act, would create a purchase of development rights program, but without funding sources identified.

However, SB 1280, the California Land and Water Conservation Act of 1995, would purchase lands with wildlife habitat value as well as purchase easements on agricultural lands. An amendment to the bill could require that 20 percent or more of funding be designated for agricultural easements. One proposal would set funding at \$200 million per year for land and easement acquisition. "We're pretty excited about the possibility," said Erik Vink, of the AFT office in Davis. Another bill, sponsored by the Planning and Conservation League, would authorize a state tax credit of up to \$200 per year, subject to appropriations annually, to landowners who donate land or easements.

The administration has convened another Williamson Act advisory committee charged with further resolving the compatible use issue and addressing other protections for farmland that could be less than perpetuity but more than 10 years, according to Erik Vink. Uses of land enrolled under Williamson Act contracts, which restrict use to ag for 10 years in exchange for tax breaks, continues to turn up controversy, the latest being whether counties should grant partial cancellation of contracts to developers who use open space development design.

In Congress ... Farm bill update: Tim Warman of the American Farmland Trust testified June 13 before a Senate agriculture subcommittee on commodity program reform. Among its proposals, the AFT recommended the Farms for the Future Act be reformed and consolidated with the Conservation Reserve Program. "National agricultural policy should... pay greater attention to protection of prime and unique farmland in strategic regions where land is being wastefully converted to non-agricultural use and fragmented by patchwork urbanization," the AFT proposal states. "To safeguard the food security of the nation and the myriad economic and environmental benefits society derives from open, working agricultural landscapes, a portion of the funds currently being inefficiently spent to protect poor farmland should be diverted to protecting the best farmland." The AFT proposal calls for matching grants to states with farmland preservation programs. **Estate tax update:** A Senate version of H.R. 864, the American Farm Protection Act, was introduced as S. 910, the American Farm and Ranch Protection Act.

Huntley, Illinois, from preceding page

change the town. He is more concerned about the ability of Prime Group to deliver.

Moreover, the town of Huntley doesn't have to worry about the costs of providing infrastructure for the project. That will be taken care of by tax increment financing (TIF), a funding mechanism created by the Illinois legislature to help municipalities with redevelopment projects. It allows local governments to capture various state and local tax increases resulting from the new development to pay for improvements.

With an estimated \$110 million in TIF, Prime Group Inc. uses municipal bonds to pay for land, water and sewer, streets, and the highway extension. In this case, though it is not typical, the developer, not the town, will be responsible for retiring the bonds if the project fails.

Several hundred TIF districts have been designated statewide, but the Huntley TIF was noted as being the first to underwrite a new suburb, what some feel is an inappropriate use of a statute created to help attract investment to blighted areas, not to farmland. Town officials might argue that the particular site was blighted by a development deal gone bad in the 1980's, when an amusement park project got only as far as a few days of earth moving. The land was eventually returned to agricultural zoning, and Prime Group is paying taxes based on agricultural assessment, the difference being \$35 per acre and roughly \$600 per acre, according to Dahmer, on more than 2,600 acres.

Other TIF realities figure heavily in the game. While school officials were at first worried about financing new schools to carry the population boom in school-age children, they began looking at TIFs, and were successful in creating their own TIF district. Tax increment financing could become a tool for burying opposition to growth before it happens, since many objections to development are generated from concerns about crowded schools.

No one seems worried about how the Huntley mega-project will begin a dynamic change in the agricultural traditions of the region. McHenry County Defenders, a land use and environmental advocacy group, is exploring the project's possible effects on the Kishwaukee River, which "has the longest stretch of Class A quality water in the state. It's a unique and valuable resource," said Cindy Skrukud.

But one McHenry farmer who lives 15 miles from the Huntley sight said farmers in his area "are in for a quick fix. I think [the Huntley project] will affect everything."

resources ...

Publications

Alternatives to Sprawl

Dwight Young

Lincoln Institute of Land Policy, Fall 1995

This is a Policy Focus Report, a new series by Lincoln Institute begun last year. The report puts together the work of panelists presented at the March 1995 Alternatives to Sprawl conference held at Brookings Institution. Available this fall. Call 1-800-526-3873.

The Grass IS Greener: Dairy Graziers Tell Their Story

Wisconsin Rural Development Center Inc. \$7.50
Sixteen dairy farmers from Wisconsin and Minnesota explain their strategies and challenges in converting their conventional dairies to rotational grazing systems. They reveal the positive impacts pasturing has had on their land, their cows and their families. Send check for \$7.50 to WRDC, 125 Brookwood Dr, Mount Horeb, WI 53572.

The Humane Consumer and Producer Guide

Humane Society of the United States, 368 p., \$15.95

Published by the International Alliance for Sustainable Agriculture and the Humane Society of the United States, the guide lists farms, businesses and organizations involved in producing and selling animal products produced in a humane and sustainable manner. Lists alphabetically and by state, this will be useful for farmers looking for ideas on how to break into niche markets as well as for anyone concerned about the quality of animal-based foods and the treatment of animals in an increasingly corporate industry. Send check to HSUS, 2100 L St. NW, Washington, D.C. 20037 or call (202) 452-1100.

Conferences & Workshops

August 3-5, Tampa, FL: Ecosystem Connections: How to Implement Ecosystem Manage-

ment, sponsored by ICMA, Council of State Governments, Environmental Council of the States and EPA. Ecosystem definition and issues of scale, management of public and private lands, making data understandable, land use planning, property rights and migration issues. Field trip to ecosystem-managed ranch. Fee: \$125. Call (202) 962-3509.

Sept. 12 - 16, New York, NY: *Inside Urban Ecosystems - 7th National Urban Forest Conference.* "The concept of urban forests is broadening rapidly. Just over a decade ago, this movement was largely about planting and caring for street trees. Today, GIS maps and analyzes entire ecological systems. As our understanding and implementation grows, so too does the diversity of the people involved. Their common cause: making our cities better places in which to live." Organized by American Forests. Sponsored by U.S. Forest Service and the New York State Dept. of Environmental Conservation. For registration brochure call American Forests, (202) 667-3300 or Fax request to 667-7751.

Sept. 16-18, Portland, OR: *"Rail-Volution": Building Successful Communities with Rail,* sponsored by City of Portland and other state and local agencies, focus on land use, funding, development and communities. Contact Bill Shoemaker, 800-788-7077.

Oct. 1 - 5, Cape May, NJ: *The National Fish and Wildlife Foundation's 1995 National Partners in Flight Workshop, Building Consensus for Action— Developing a Strategy for a National Conservation Plan.* The Foundation is a federally-chartered, independent non-profit organization supported by private contributions. "Partners in Flight" is an initiative to reverse declines in neotropical migratory birds through habitat protection and management, training and public education in North America, Latin America and the Caribbean Basin. The program is working with land trusts and is open to ideas on how to work with other public and private land protection programs. The conference will develop a blueprint for state, regional, national and international strategies for bird conservation. Request registration materials

from: Partners in Flight, c/o D. Lawrence Planners, 1125 Atlantic Ave., Suite 634, Atlantic City, NJ 08401, or fax request to: (609) 348-4433.

Oct. 11 - 15, Fort Worth, TX: *Strategies and Partnerships for a New Era, the 49th National Conference of the National Trust for Historic Preservation.* Send preliminary program request to: NTHP, 1785 Massachusetts Ave NW, Washington, DC 20036.

Oct. 15 - 19, Pacific Grove, CA: *National Land Trust Rally 1995,* organized by the Land Trust Alliance will take place on the Monterey Peninsula. More than 100 speakers lead 80 sessions on land transactions, fundraising, partnerships, conservation easements, land stewardship, etc. More this year on farmland protection. Field trips, networking, special events. This is the nation's premiere land preservation conference and largest gathering of land conservationists. Registration has begun. Early (by Aug. 11) registration fee for qualified members is \$204, others \$280. Accommodations at the Asilomar Conference Center includes all meals, range from \$55 to \$100 per person per day. For brochure call (202) 638-4725.

May 18 - 23, 1996, State College, PA: The 6th International Symposium on Society and Resource Management, hosted by Pennsylvania State University Department of Agricultural Economics and Rural Sociology. PRELIMINARY CALL FOR PAPERS. For information contact A.E. Luloff, Professor of Rural Sociology, (814) 863-8643.

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farmland preservation report

Covering the policies, practices and initiatives
that save farmland and open space

Since 1990 • Deborah Bowers, Editor

Legislation would excuse estate tax on easement parcels

WASHINGTON, DC — Two bills pending in Congress would change estate and income tax codes to relieve tax burdens for owners of land preserved through the donation, but not the sale, of a conservation easement.

The American Farm Protection Act, H.R. 864, would allow an executor or a donor to exclude from estate and gift tax land subject to a perpetual conservation easement if the land is within 50 miles of a metropolitan area or national park. Only the family that donated the easement would be eligible for the exclusion and the land must have been owned by the family for at least three years immediately prior to the decedent's death.

A tax break for properties preserved through easement sale could not be incorporated into the

bill because the Congressional Budget Office "views it as a factor that saves substantial amounts of money," said Tim Lindstrom, attorney for the Piedmont (Va.) Environmental Council and longtime advocate of estate tax reform.

Yet no accounting was undertaken to determine the cost of estate tax abatement on farms that have sold conservation easements under state, local and nonprofit programs.

Income tax generated from easement sales would have helped to offset the cost of estate tax abatement on such properties, according to Edward P. Thompson Jr., director of public policy for the American Farmland Trust. "The impact of a sale is better for the treasury than donations," he said. "Because they have that positive revenue

Takings

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New Jersey legislation targets land use, environmental laws

TRENTON, NJ — Pending in the State Government Committee of the New Jersey Senate could be one of the nation's most stringent proposals to require compensation when property value is affected by environmental regulations.

Bill 1935, the New Jersey Property Rights Protection Act, specifies state environmental laws that are threatening property rights and stipulates that landowners whose property values have been diminished by 20 percent or more shall be compensated. In addition, if a property's value is lowered by more than 50 percent, the owner may require the state to purchase the entire property.

The bill states that actions taken by certain state government agencies to regulate development

"have often been excessive and unreasonable and have significantly and unfairly diminished the value of real property owned by individuals,

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Bills would excuse estate tax on donated easement parcels

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impact, there's no reason to discourage [including sales]."

But negotiations with the Congressional Budget Office were difficult, according to Lindstrom, and supporters did not want to jeopardize the legislation as a whole in order to include properties that received payment for easements.

The estate tax generates about \$15 billion annually. Current estimates of revenue losses under the bill are \$720 million over five years. A Piedmont Environmental Council analysis put estimated five-year costs at about \$450 million. The legislation is supported by the American Farm Bureau Federation and the National Farmers Union.

Limiting eligibility to lands within 50 miles of a metropolitan statistical area or national park will still cover "virtually everything east of the Mississippi," Lindstrom said. Including western MSAs and national park regions, an estimated 70 percent of the nation's land could ultimately be eligible.

The bill evolved from the Open Space Preservation Act of 1992, introduced by Pennsylvania Rep. Richard Schulze.

Schulze, now retired, introduced the bill after a Chester County farmer feared losing his grandmother's farm to estate taxes because its value had skyrocketed. Part of that farm is now under easement in the state farmland preservation program, and part under easement with the Natural Lands Trust, according to Chester County program administrator Ray Pickering. The bill's chief sponsor now is Rep. Amo Houghton of New York.

A Senate version of the bill is expected to be introduced soon by Sen. John Chafee of Rhode Island, and will be called the Farm and Ranch Protection Act, according to Lindstrom.

S 692: Implementing Northern Forest recommendations

Another bill, among a host of tax bills circulating in Congress, is the Family Forestland Preservation Tax Act, S 692.

Like the Family Farm Protection Act, S 692 would allow post-mortem donations of conservation easements to reduce estate tax burden. But the bill also would exclude from taxable income gains from sales of conservation easements to public

agencies. It would also allow valuation of undeveloped land at current use value for estate tax purposes if the owner or heir agrees to maintain the land in current use for 25 years.

While the changes would apply nationwide, the bill was designed to implement recommendations of the Northern Forest Lands Council, established by Congress in 1990 to find ways to protect the 26 million acres of forest lands that stretch from Maine to the western Adirondacks — one of the nation's largest expanses of continuously forested land.

Nearly 85 percent of the Northern Forest is privately owned. In 1988 a timber company's sale of about one million acres prompted concern because much of the land was sold for its development value rather than for timber. While the ultimate use of the land did not substantially alter the traditional use of the forests, it was the risk of change and the pace of change in the 1980's that created alarm and a call for a protection strategy.

Sen. Patrick Leahy of Vermont and then-Senator Warren Rudman of New Hampshire convinced Congress to initiate the Northern Forest Lands Study. Following release of the study in May 1990, Congress created the Northern Forest Lands Council, which released its findings and recommendations in March 1994.

Targeting state and federal tax policy that had "serious, unintended, and adverse consequences for land management and conservation" was a key part of the report's recommendations for fostering stewardship of private lands.

Both bills pending in Congress concentrate on the estate tax because of its role in the conversion of land to urban uses. The tax is levied on estates valued at \$600,000 or more. Farm and forest land usually is taxed according to its development value and the rate of taxation is hefty: depending on estate value, it ranges between 37 percent and 55 percent. The tax usually must be paid within nine months of the owner's death.

Chances for passage of the American Farm Protection Act, according to Lindstrom, may be the best conservationists can hope for — Congress is in a tax-cutting mood, so timing seems to be right for advocating estate tax reform. "There's a serendipity in the direction they're going and where we're

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Estate tax, from previous page

going," Lindstrom said.

The bill could become part of a House package of miscellaneous measures this summer.

Contact: Piedmont Environmental Council (804) 977-2033. For a copy of H.R. 864, the American Farm Protection Act, call (202) 225-3456. For a copy of S 692, the Family Forestland Preservation Tax Act, call (202) 228-2815.

New Jersey takings bill targets environmental laws

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thereby eroding substantial lifetime investments, individual freedom and economic independence."

The bill states further that the United States Supreme Court as well as the state Supreme Court have gone too far in allowing property value to be "reduced to virtually nothing" without compensating the landowner.

A recent hearing brought out many landowners in favor of the bill, though testimony in general "was well-balanced," according to Mike Giannone, staff assistant to Sen. John Scott, the bill's lead sponsor.

Included in a list of environmental protection laws the bill cites as threatening to property rights is the Pinelands Protection Act. The Pinelands Commission itself, created in 1979 in response to the federal designation of the Pinelands as a national reserve, is cited in the bill as particularly offensive to property rights because of its use of restrictive zoning.

The Pinelands Commission was charged by the state legislature to limit development in the ecologically fragile region that covers 1.1 million acres across seven counties — a full 23 percent of the state's total land area. The task was carried out through downzoning and the transfer of development rights. The downzoning to one right per 40 acres was challenged in 1991. The state Supreme Court ruled it did not represent a taking.

If the bill were enacted, landowners in the Pinelands who want to develop could have a field day, according to Pinelands Commission assistant director John Stokes. "A lot of people would look at

this as a financial gain and would go through the process and try to establish their rights. That would require a lot of work by the Commission and the state government just to establish that the person is qualified." Establishing fair market value would be a "very confusing and contentious process," he said.

A landowner wanting to build beyond the allowable density would submit plans, "and if he or she didn't get approval, and felt as a result the property value decreased, they can go through the process." If a taking was demonstrated, requirements would likely be lifted, Stokes said. "My guess is that government finances the way they are today, there would be little funding [for compensation]." The Commission would have to back off its own regulations, Stokes said.

While restrictions in the Pinelands have provoked controversy in the past, Stokes believes the New Jersey bill took its cue from legislation now pending in Congress that seeks to stretch the definition of takings under the Fifth Amendment.

The Commission's approach to defending its development restrictions is showing that mechanisms such as the sale of development rights and a local municipal density program for nonconforming lots, were put in place to provide opportunities for landowners to benefit economically from their land. Stokes said the Commission may also adopt rules for a limited practical use program, under which the Commission would purchase small properties with limited use.

"What we've tried to describe are the things that go beyond the minimum required under the Constitution ... it's not only a constitutionally valid approach but it tries to mitigate the windfalls and wipeouts," Stokes said.

Other agencies cited in the bill are the state Department of Environmental Protection and the Hackensack Meadowlands Development Commission. In addition to the Pinelands Protection Act, environmental laws cited are the Wetlands Act of 1970, the Freshwater Wetlands Protection Act (1987) the Hackensack Meadowland Reclamation and Development Act (1968), the Coastal Area Facility Review Act (1973) and the Flood Hazard Area Control Act (1962). For a copy of Senate bill No. 1935, call (609) 292-4840. John Stokes, (609) 894-9342; Sen. John Scott's office, (201) 939-9288.

Expanding anti-sprawl constituency**Religious coalition puts land stewardship, sprawl among advocacy priorities**

WYNNEWOOD, PA — A coalition of more than 20 Christian denominations has established a national organization to promote land stewardship, protection of natural resources and renewable energy.

Called the Christian Society of the Green Cross, the group "is concerned about sprawl, but we are going a step beyond," said executive director Fred Krueger. With the land stewardship focus, the group is "responding to the wise use movement. We are shaping a strategy and will get involved in the land use questions," Krueger said.

Formally organized in March, the Society began its new style stewardship by sponsoring a dinner in Elko County, Nevada, for federal employees and environmentalists who have been harrassed for advocating increased grazing fees on federal lands. The county is challenging the right of the federal government to own land in the county.

"It was a real low-budget pot luck dinner to honor local people involved in stewardship, to say 'we appreciate the work you do' ... we wanted to draw attention to the fact there is support for them." Krueger said.

The stated purpose of the Green Cross is to "help people translate environmental ethics and theology into action." The group operates by augmenting local efforts. Many local chapters combine environmental stewardship activities with service to inner city youth. One Green Cross group in Roxbury, New Hampshire purchased 150 acres to create gardens that demonstrate the uses of herbs and botanical diversity. The project includes a program for troubled children. Another group in Antioch, California uses a disease-resistant strain of elm in a regional tree-planting project carried out by teenagers.

A student group project at Wittenberg University in Springfield, Ohio conducts an organic gardening demonstration and a project to generate alternative energy for student housing. Another

etcetera ...

Virginia Beach adopts state's first easement program
Virginia Beach, Va. — The first easement purchase program to be established in Virginia was adopted May 9 by the Virginia Beach City Council and funded with a dedicated 1.5 cent property tax, revenues from a cellular phone tax, and other sources. The taxes are expected to generate about \$3.5 million per year.

To make ready for the purchase of its first easements, the city's department of agriculture is working with consultants and appraisers to develop a formula for determining easement value.

Easements will be purchased using the installment method, and a payment schedule and details are currently being devised by finance consultant Daniel P. O'Connell, who developed the installment purchase method first used by Howard County, Maryland.

Virginia Beach is Virginia's largest city and was the fastest growing urban area on the Atlantic coast for over two decades, during which the area's farmland decreased by more than 50 percent. The city seeks to preserve 20,000 acres of prime farmland south of the city core.

"Residential sprawl has continued to encroach into the remaining farm areas and its rising costs are challenging the municipal budget," said Mary Heinrich, coordinator of the ad hoc committee that promoted the program. The committee was made up of farmers and other landowners, conservationists, business owners, local government staff and federal resource agency staff. *Contact: Louis Cullipher, (804) 426-5775.*

Study to compile successful regulatory techniques

Kutztown, Pa. — The Rodale Institute and Pennsylvania State University have been working on a project to identify land use regulations supportive of sustaining agriculture and natural resources in urban edge localities. The project is now in its second phase, in which successful models will be identified, with emphasis on restrictive zoning and subdivision regulations that have successfully protected farmland or natural resources.

The project is particularly looking for models that can be implemented at the township level with minimal staff and funding, according to Janet Hammer, a

research assistant at Rodale.

Once models are compiled, the project will conduct a series of focus groups to discuss the dynamics of enactment and implementation of regulatory techniques.

Planners who would like to offer information on successful local ordinances can call Janet Hammer at Rodale Institute at (610) 683-1455, or Kelleann Foster at Penn State, Department of Landscape Architecture, (814) 863-8133.

Minnesota program focuses on land use, planning

Saint Paul, Minn. — While lack of funding and lack of interest from localities continues to hurt farmland protection efforts in Minnesota, the state program is using its limited resources to focus on technical assistance and support for local planning for agriculture.

The Department of Agriculture has begun a technical assistance program to help localities deal with the growing concern of feedlot siting, one of the agricultural problems the legislature feels is more relevant in Minnesota than the 24,000 acres the state loses each year to suburban encroachment.

But the feedlot siting issue is also a way to educate localities on the benefits of planning for agricultural land protection, because the need to separate feedlots from residential development is so obvious, explains program manager Bob Patton. "Ag land preservation has an integral role because it can be a tool for protecting [feedlot] areas from encroachment," he said.

The program is conducting group interviews with local officials and livestock producers to gather information on what assistance and information is needed to help localities address issues of animal agriculture through comprehensive planning and land use regulation.

The program is also working with Iowa State University and other consultants to produce two handbooks for localities on comprehensive planning and agricultural land preservation planning and controls.

Despite lack of support for its statutory activities of enrolling farmland under temporary, restrictive covenants (the program currently protects 152,407 acres), the program is "raising the level of discussion of growth management" and "is still a good, sound framework to work in," Patton said. "We would hope to do some education to find ways to strengthen the program in terms of participation and secured funding." *Contact: Bob Patton, (612) 296-5226.*

Green Cross, from preceding page

group is demonstrating recycling of agricultural wastes. Chapters are encouraged to take up projects that involve farming and, in urban areas, land reclamation and community land stewardship.

The impetus behind creating the Green Cross, according to Krueger, is a recognition that the world is experiencing unprecedented ecological crisis. To reverse the trend requires "a massive shift in attitudes about livelihood, about concepts of success and about the way we interact with one another and the biological systems which support human life," Krueger wrote in the Green Cross magazine.

Complicity among established churches as well as shortfalls in the environmental movement need to be rectified to curb degradation of the natural world, according to Krueger.

Many churches that have not been involved in environmental activism "are captive to political and economic assumptions about society and the good life. This cultural captivity has provided an unwitting foundation for complicity in destroying creation rather than for healing, which is the scriptural mandate."

Krueger said the environmental movement in America has emphasized legal and technological approaches to protection. That strategy "was not whole," and "did not encompass blue collar workers; it did not embrace minorities; instead the environmental movement acquired an elitist reputation because its ecological vision never translated into goals which all society could understand ... there must be an ethical and moral dimension. In fact, there must be a religious approach," Krueger wrote.

The Green Cross was initiated by a wide range of denominational offices as well as relief agencies, including Habitat for Humanity, the Evangelical Lutheran Church in America, the Baptist Center for Ethics, the United Methodist Rural Fellowship, the National Catholic Rural Life Fellowship, the Mennonite Central Committee, World Vision, Heifer Project International, The Carter Presidential Center and the North American Conference on Christianity and Ecology.

Contact: Fred Krueger, (610) 645-9393.

Minnesota governor vetoes tax-base sharing, anti-sprawl legislation

SAINT PAUL, MN — A bill that would have established tax-base sharing on residential property tax values above \$200,000 was passed by the Minnesota legislature but vetoed by Gov. Arne H. Carlson.

The legislation had the strong support of diverse community and environmental interest groups as well as a solid coalition of legislators from both urban and suburban jurisdictions, according to its chief sponsor, Rep. Myron Orfield.

Orfield, who said his bill would have had a "powerful impact on land use" by making exclusive "fiscal zoning" less attractive to localities, has long advocated revenue sharing as a means to curb fiscal disparities between high-growth and stagnant or declining communities. Orfield said the bill would have gone far in curbing sprawl in the state's metropolitan region.

Tax base sharing is not new to Minnesota. In 1971 the legislature created the Fiscal Disparities Program to try to reduce inequalities in per capita tax base between communities with substantially different growth rates. Minnesota is one of only a handful of states where tax base sharing is in place. The Fiscal Disparities Program affects the seven counties that make up the Minneapolis-St. Paul metropolitan area.

The program works by communities contributing 40 percent of all new commercial and industrial development revenues into a pool where the monies are then redistributed based on population and per capita real property value measured against the area average. Communities with below average values receive a greater share of pooled funds.

Most of the 187 metro-area communities that participate are net gainers in the equation: 138 received more tax base from the shared pool this year than they contributed. The other 49 were net losers. Among the 58 communities of over 9,000 population, 35 were net gainers and 23 were net losers.

The Orfield bill would have added certain residential property values to the equation. "This would have been a fiscal enhancement," of the program, Orfield said, through which revenues in the pool "would grow gently over the years to add 40 percent." Fiscal experts said disparities would be reduced from a ratio of 12 - 1 to 7 - 1, according to Orfield. "This shows how tough land use is," he said.

Adding to the revenue pool is a concern for supporters of the program—pool funds declined by 13 percent in the 1995 tax year. And, this is the third consecutive year the shared base has declined. The major reason for the decline is believed to be a large number of court-ordered reductions in value, mainly on office buildings in downtown Minneapolis and on interstate corridors.

please continue to next page

legislative and program briefs ...

In Pennsylvania ... House Resolution 159 calls on Congress to reauthorize the Farms for the Future Act and "develop a more feasible matching grant program which will encourage additional participation by states and state-approved local government units" and to create more options for funding such as block grants.

The state program's annual report, released May 23, notes that 12,587 acres on 104 farms were approved for easement sale in the program's last fiscal year ending April 30. It was the first full year of receiving funds generated through a state tax on cigarette sales. Two cents per pack is dedicated to the program, and totalled more than \$22 million in fiscal year 94-95.

The program's latest acreage total is 67,922 acres on 537 farms. Agriculture Secretary Charles Brosius told the state farmland protection board that monies from the initial bond issue will soon be depleted and that he will study ways to get additional revenue.

Draft guidelines for program operation have been submitted by the Bureau of Farmland Protection to the state board which include a new ranking system to be added to every county program (see story next issue).

In Delaware ... HB 54, a bill that would forgive state inheritance taxes on land and improvements of parcels enrolled as agricultural districts passed the legislature and awaits the governor's signature. The tax break would be applied to heirs who agree to keep the property in a district for an additional 10 years after the death of the owner. The state inheritance tax rate is 6 percent for estates valued at \$200,000 and above.

SB 177, which addresses the use of the state's recently awarded escheat funds, will be voted on by the end of the month. A coalition of groups supporting use of funds for open space, parks and farmland preservation will hold a rally at Legislative Hall in Dover June 14.

The state program, which has been enrolling properties as districts and is ready to begin purchasing easements as soon as funds are appropriated, has enrolled over 19,000 acres with an additional 6,000 acres in process. At least half of all districts are likely to apply to sell easements when funds are available, according to Austin Short, senior resource planner.

In Connecticut ... State budget talks had still not netted a decision on funding for the farmland preservation program at FPR press time.

In Maryland ... The Department of Agriculture was awarded a federal grant of almost \$50,000 to study the feasibility of establishing a cooperative to market organically grown local produce. The state currently has about 45 certified organic growers.

In California ... Counties are increasingly allowing "partial" cancellation of Williamson Act contracts for development proposals that use open space development techniques, a trend that may violate Williamson Act rules, according to the Ca. Farm Bureau Federation, which is studying the trend.

A new report from the Center for Continuing Study of the California Economy shows that the state will gain 5.5 million people over the next 10 years, bringing the state's total population to 38.2 million. A turnaround in the state economy was cited as a factor. The report is available by calling (415) 321-8550.

In Congress ... Farm Bill update: Support within Congress for including farmland protection funding in the farm bill became official when Congressmen Wayne Gilchrest (R-Md.) and Sam Farr (D-Ca.) recently called on colleagues to join them in supporting such funding. Gilchrest and Farr authored a letter to the chairman and ranking minority member of the House Committee on Agriculture urging support for policies and programs such as the Farms for the Future Act that would foster farmland protection. Gilchrest and Farr are seeking 30 signatures to the letter from their colleagues by July. The American Farmland Trust is urging active supporters to contact their representatives and to urge them to sign on to the letter.

Meanwhile Senate Agriculture Committee Chairman Richard Lugar of Indiana and Ranking Minority Member Patrick Leahy of Vermont have introduced a bill to restructure conservation programs. The Agricultural Resources Conservation Act of 1995, (S 854) would provide technical and financial assistance in a new comprehensive, voluntary program for improved farm and ranch land management, called the Environmental Quality Incentives Program; enroll the most environmentally significant lands into the CRP and the WRP; maintain commitment to reducing soil erosion while expanding programs to protect water quality, wildlife habitat, etc. The bill calls for funding at \$100 million a year, and building to \$700 million annually by the year 2000. However, the bill does not mention farmland protection, and the AFT is urging supporters to call for an amendment to S 854 that would add farmland protection. For a summary of the Lugar-Leahy bill, contact the American Farmland Trust at (202) 659-5170. For a copy of the bill, call the Senate document room at (202) 228-2815.

MN tax base sharing, from preceding page

Despite the decline, an annual analysis performed by the Citizens League shows the amount of shared tax base is significant, accounting for 26.6 percent of the region's C-I tax base. The tax-base sharing program significantly reduces the gap in C-I tax base among the wealthier and poorer communities in the metro area, according to the League.

The Fiscal Disparities Program has, for the most part, achieved its legislative intent, according to Steve Hinze, a researcher in the House Research office. "It is making the tax base more evenly distributed than it would otherwise be," he said.

Standard & Poor's *Creditweek* newsletter, considered an authority on credit quality, has called the Minnesota program "largely successful" and a positive factor in finance that creates "a practical financing option" for state and local governments.

According to Standard & Poor's, tax base sharing has regional advantages, in that it reduces competition for ratables among neighboring municipalities and therefore would serve to limit tax incentives localities use to attract industry. Tax base sharing would also tend to foster regional infrastructure planning, as well as allow local governments to share state-mandated requirements, according to *Creditweek*. Regional planning in the seven-county area is carried out by the Minneapolis-St. Paul Area Metropolitan Council.

Republican Gov. Arne Carlson's highly political veto message accused the bill's drafters of pushing a "high-tax, wealth-redistribution, social-engineering agenda" and said the bill would spur tax increases. Carlson cited the state's Local Government Aid program, the statewide general revenue redistribution system, as having "a poor track record" in community revenue redistribution, but did not mention the Fiscal Disparities Program, to which the bill directly related.

Myron Orfield, who said the governor's political base is in the region's high property value areas, said the governor and other opponents "hate this bill because its so popular. They are terrified at the momentum." Orfield said the governor supported revenue sharing when he was a member of the legislature and that revenue sharing in the state was initiated by Republicans.

Orfield said the veto and the governor's promise to veto such legislation as long as he is governor, will not deter him and his co-sponsors and supporters from carrying the legislation to the next session. "Every single social change takes a long time," he said.

Contact: Rep. Orfield, (612) 296-9281. For information on the Fiscal Disparities Program, contact Bill Byers of the Metropolitan Council at (612) 291-6322.

resources ...

Publications

• **Planting the Future: Developing an Agriculture that Sustains Land and Community**

Edited by Elizabeth Bird, et al.

Iowa State University Press, \$14.95

How would rural communities change following a widespread shift to sustainable agriculture? That was the question for a research project involving universities and non-profit groups in Iowa, Minnesota, North Dakota, Montana and Oregon, funded by the Northwest Area Foundation. The objective was to provide data for policy-makers on the benefits of sustainable farming and what obstacles need to be overcome to foster change. This book is the product of that research. To order, call or write the Center for Rural Affairs, which was involved with the project, at (402) 846-5428; P.O. Box 406, Walthill, NE 68067.

Conferences & Workshops

June 21 - 24, Madison, WI: *Who Owns America? Land and Resource Tenure Issues in a Changing Environment*, sponsored by the Univ. of Wisconsin, Land Tenure Center, North America Program. Focus on issues related to the ownership, management and regulation of land and natural resources.

Topics include tenure systems and resource productivity and sustainability, political equality, environmental justice, wealth and income distributions, minority and gender inequalities, land use regulation, etc. Call Lisa Williamson, (608) 262-3658. The Land Tenure Center is an institute for research and education on social structure, rural institutions, resource use and development, worldwide.

June 22 - 23, Dania, FL: *Growth Management, Development Patterns and the Costs of Sprawl - The Florida Experience*, sponsored by the Lincoln Institute of Land Policy.

Perspectives on the fiscal, social and physical impacts of sprawl and proposed development alternatives. Will explore growth management in Florida, including a proposed new set of best development practices. Fee: \$135. To register call 800/LAND-USE.

June 25 - 29, Minneapolis, MN: *Sixth International Conference on Low-Volume Roads*, hosted by the Center for Transportation Studies, University of Minnesota and sponsored by the Transportation Research Board, National Research Council. Will examine new technologies and techniques in the planning, design, construction, operation, maintenance, and administration of low-volume roads and systems. Cost, before May 25, \$160. For a program call (612) 626-2259.

Sept. 12 - 16, New York, NY: *Inside Urban Ecosystems - 7th National Urban Forest Conference*. "The concept of urban forests is broadening rapidly. Just over a decade ago, this movement was largely about planting and caring for street trees. Today, GIS maps and analyzes entire ecological systems. As our understanding and implementation grows, so too does the diversity of the people involved. Their common cause: making our cities better places in which to live." Organized by American Forests. Sponsored by U.S. Forest Service and the New York State Dept. of Environmental Conservation. For registration brochure call American Forests, (202) 667-3300 or Fax request to 667-7751.

Sept. 16-18, Portland, OR: *"Rail-Volution": Building Successful Communities with Rail*, sponsored by City of Portland and other state and local agencies, focus on land use, funding, development and communities. Contact Bill Shoemaker, 800-788-7077.

Oct. 1 - 5, Cape May, NJ: *The National Fish and Wildlife Foundation's 1995 National Partners in Flight Workshop*, Building Consensus for Action—Developing a Strategy for a National Conservation Plan. The Foundation is a federally-chartered, independent non-profit organization supported by private contributions. "Partners in Flight" is an initiative to reverse declines in

neotropical migratory birds through habitat protection and management, training and public education in North America, Latin America and the Caribbean Basin. The program is working with land trusts and is open to ideas on how to work with other public and private land protection programs. The conference will develop a blueprint for state, regional, national and international strategies for bird conservation. Request registration materials from: Partners in Flight, c/o D. Lawrence Planners, 1125 Atlantic Ave., Suite 634, Atlantic City, NJ 08401, or fax request to: (609) 348-4433.

Oct. 11 - 15, Fort Worth, TX: *Strategies and Partnerships for a New Era, the 49th National Conference of the National Trust for Historic Preservation*. Send preliminary program request to: NTHP, 1785 Massachusetts Ave NW, Washington, DC 20036.

Oct. 15 - 19, Pacific Grove, CA: *National Land Trust Rally 1995*, organized by the Land Trust Alliance will take place on the Monterey Peninsula. More than 100 speakers lead 80 sessions on land transactions, fundraising, partnerships, conservation easements, land stewardship, etc. More this year on farmland protection. Field trips, networking, special events. This is the nation's premiere land preservation conference and largest gathering of land conservationists. Registration has begun. Early (by Aug. 11) registration fee for qualified members is \$204, others \$280. Accommodations at the Asilomar Conference Center includes all meals, range from \$55 to \$100 per person per day. For brochure call (202) 638-4725.

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farmland preservation report

Covering the policies, practices and initiatives
that save farmland and open space

Since 1990 • Deborah Bowers, Editor

Takings

Pennsylvania takings bill among nation's most sweeping

HARRISBURG, PA — While dozens of states have introduced legislation to broaden protections under the Fifth Amendment takings clause, a bill pending in the Pennsylvania Senate is among the most sweeping.

Senate Bill 805, the Private Agricultural Property and Private Property Protection Act, contains language that seems to give credence to extreme right-wing fears of government regulatory enforcement gone berserk, fears expressed by members of militia groups interviewed since the Oklahoma City bombing April 19.

The bill warns that "governmental actions by government agencies which result in a physical

invasion or occupation of private agricultural property or other private property" may be an unconstitutional taking.

A government action "may amount to a taking even though the action causes less than a complete deprivation of all use or value," even if it is "temporary in nature."

The bill, cosponsored by 26 senators and introduced March 21, would require that any regulation enforced for the purpose of public health and safety "be exercised only in response to real and substantial threats."

Any action that "has reduced or is expected to reduce the fair market value of any private agri-

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Maryland programs spared from transfer tax revenue cut

ANNAPOLIS, MD — Funding for farmland and open space preservation in Maryland will increase, rather than decrease, following amendments to a bill that changes how much homebuyers will pay in real estate transfer tax, the source of funding for Program Open Space and the primary source of funds for the farmland preservation program.

The bill that passed reduces the tax for first-time buyers by half and requires that tax to be paid by the seller. The original legislation would have made first-time homebuyers exempt from the tax, reducing Program Open Space revenues by \$20.7 million in FY 1996.

In addition, SB 98/HB 100 — the Closing Cost Reduction Act of 1995, repeals an exemption of the

first \$30,000 for all buyers. Thus, closing costs will only be reduced for first-time buyers, an estimated 30 percent of all buyers. The net result: an

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Takings bills focus on environmental, land use regulations

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cultural property or other private property to less than 90% of the fair market value" would constitute a taking unless the agency "shows that the action is being performed for the purpose of protection of public health and safety and the Commonwealth has a compelling public interest in performing the action."

Such are some of the principles that would guide the Agricultural Property and Private Property Protection Board, which SB 805 would create to write the rules for state and local agencies to follow when their actions involve private property.

An action is very broadly defined, and includes any rule or regulation enforced "which may limit the use or adversely affect the value" of property. This includes property uses affected by need for a permit, license, or variance, and actions that involve "any dedication or exaction of property ... as a result of the owner's use or proposed use of such property."

Under the bill, a local agency, such as a department of planning and zoning, would not be able to perform any action involving private property unless it determines the action "will not likely result in an unconstitutional taking." If the agency determines the action will likely result in a taking, it must compensate "to the extent of the taking expected to occur."

Such a law "would limit the ability of municipalities to enact laws to protect citizens ... it's a broad brush approach," said Ronald Bailey, director of planning for Lancaster County. Bailey said the bill concentrates on the constitutional protection of health and safety and disregards the status of "general welfare," an equally important and broader concept upon which planning and zoning are based. Many of the protections zoning provides are for the long-term, and not for immediate protection of health or safety, he said.

Some conservation groups in southeastern Pennsylvania are organizing a grassroots effort to oppose the bill, according to Alan Musselman, executive director of the Lancaster Farmland Trust.

The proposed legislation "essentially would undo what we've accomplished in the past 20 years [in Lancaster County]," Musselman said. "Townships will be backing off of ag zoning, the urban

growth boundary concept, the works."

Any government entity whose mission is to preserve land, including agricultural preserve boards, have reason to be concerned about SB 805, according to Sam Goodley, attorney for the Lancaster Agricultural Preserve Board. "It casts a pretty wide net, covering any government action that can cause a diminution of value," he said.

Nine states have enacted takings legislation in their 1995 sessions, with varying degrees of protections, ranging from requiring a "rough proportionality" test (Arizona), to requiring that all state or local entities pay full compensation for the reduction of property value resulting from any regulation (Washington).

In Arizona, agencies must show that a restriction bears "rough proportionality" to the impact of the proposed land use, a law merely reflecting the Supreme Court's June 1994 decision in *Dolan v. City of Tigard*.

In the State of Washington, however, Initiative 164 could have broad implications for the state's Growth Management Act, which requires most localities to plan for protection of farmland and other natural resource lands. While Initiative 164 does not affect laws already enacted, many localities have not completed their plans, and many officials fear the very nature of zoning will run head-on into the new law.

"Local governments will be quite wary and will have to feel it out," said Nick Turnbull of the Washington Department of Community, Trade and Economic Development, Growth Management Division. The division tried to estimate how Initiative 164 could affect the pocketbooks of local governments, but that exercise was "pure wild speculation," he said. "It will have to be sorted out in the courts. The sky's the limit."

Other states that have enacted takings legislation, according to the National Conference of State Legislatures, are Idaho, Kansas, Mississippi, Montana, North Dakota, Virginia, and Wyoming. In addition, there are between 35 and 40 states that are "considering some form of takings legislation," said Larry Morandi of NCSL. "We follow the comprehensive bills, the ones requiring assessments of any action [by local and state government]."

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Takings bills, from previous page

Morandi said a bill in New Jersey, SB 1935, is similar to the takings provision of HR 9, the bill which has become part of the Omnibus Property Rights Act, S605, now pending in the U.S. Senate Judiciary Committee. "It requires state agencies to pay if regulations reduce land value by 20 percent or more." The New Jersey bill focuses on environmental regulations, in particular, wetlands and coastal lands regulations. The New Jersey bill is in the Senate State Government Committee.

The Pennsylvania bill is pending in the Environmental Resources and Energy Committee, chaired by Sen. David J. Brightbill. Committee Counsel

Terry Fitzpatrick said the committee may hold hearings on the bill. "We've been encouraging folks to comment on the bill," Fitzpatrick said. The legislature is out of session until May 22.

For a copy of the Pennsylvania bill, SB 805, call the Senate bill room at (215) 787-6732. Comments on the bill can be directed to: Sen. David J. Brightbill, Chairman, Environmental Resources & Energy Comm., Room 337, Main Capitol Bldg., Harrisburg, PA 17120-3048, or phone: (717) 787-5708.

For a copy of the New Jersey bill, SB 1935, call (609) 292-4840.

For a copy of Omnibus Property Rights Act, S605, call the U.S. Senate Document Room at (202) 224-7860 or the Sen. Judiciary Committee at (202) 224-5225.

*Takings and givings: The real debate***Taxpayers shouldn't pay twice for affecting land value**

WASHINGTON, D.C. — Why should local, state or federal government pay property owners for land values government activities created?

That was the argument put forward by Edward Thompson Jr. of the American Farmland Trust on a National Public Radio talk show last month.

Speaking on the program "Living on Earth," Thompson said the public is being asked to pay twice for changing circumstances involving a parcel— once when government provides the infrastructure or creates a policy that adds development value to land, and again when government wants to protect a natural resource contained on that land.

Thompson said an audit of how government affects property values is needed to determine how certain policies and actual investments, which he calls "givings," should be eliminated so they don't conflict with environmental protection goals.

The Lucas case in South Carolina is an illustration of how government investment created a takings case, Thompson said. "Had it not been for the public investment in the bridge and the roads and the sewers and the flood insurance and beachfront protection measures, that property would have been a worthless strip of shifting sand rather than a prime building lot."

Thompson said an amendment that "backs out from the property value any increment of value attributable to government subsidies" would mitigate the effect of such a law.

Environmental groups as well as historic preservation interests and local and state governments are concerned about the effects of takings legislation now pending in the U.S. Senate as well as in many states. Opponents generally fear a chilling effect that will cause government agencies to ignore their own regulations in order to prevent or minimize compensation costs.

A broadening of takings law would substantially diminish the ability of local governments to affect the destiny of their communities.

Many localities burdened with rapid growth are struggling to preserve their unique character and natural resources. One example of a recent local government action that defies the takings trend is a new regulation in Summit County, Colorado. Using a newly created wildlife habitat protection overlay district, the county can deny a development project based solely on its impact on wildlife habitat. Such new regulations could be a thing of the past in states where the definition of takings is broadened.

Legislators work to protect Maryland's farmland, open space funding source

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estimated \$2.3 million increase in state revenues from the tax in fiscal 1996.

Legislators worked hard to keep the bills from hurting Program Open Space, according to POS director Grant DeHart. However, the state will use \$550,000 from the 1997 POS budget to reimburse localities for costs incurred in changing accounting and data systems to comply with the act.

Another bill that sought to substantially increase funding for farmland preservation was shrunk to a tiny fraction of its original request, but will still result in an increase for the struggling program.

SB 6, introduced by a Carroll County senator, sought to increase the percentage of real estate transfer tax revenue allocated through Program Open Space to the state Agricultural Land Preservation Foundation, from 13.2 percent to 22.4 percent. What was finally agreed upon was an increase of just 1.3 percent, to 14.5 percent. The increase will hurt the Heritage Conservation Fund, a separate fund for special habitat preservation, which will receive \$300,000 less next year. The Fund has been essential in saving important critical habitat such as wetlands.

Fiscal analysts estimate that both changes to the tax will increase Foundation funds by \$1.2 million in fiscal 1996, with the program receiving about \$9.3 million. Due to the exemption changes, Program Open Space will receive \$52.9 million an increase also of \$1.2 million.

In Fiscal 1995 the farmland preservation program received about \$6 million from the real estate transfer tax, and about \$1.7 million from the Agricultural Land Transfer Tax, which is collected when farmland is converted out of agricultural use. Bond funds appropriated during fiscal years 1991, 1992 and 1993 to make up for general fund shortfalls, are nearly gone, according to Agricultural Land Preservation Foundation director Paul Schiedt.

Although Program Open Space was spared from the drastic loss of revenue that would have

please continue to next page

etcetera ...

Aussies study preservation in Lancaster County

Lancaster, Pa. — A group of Australians who attended the American Planning Association conference in Toronto last month followed the conference with a tour of the United States, beginning with a five-day stay in Lancaster County to study farmland preservation efforts there.

The group of five planners led by Bendigo planning consultant Trevor Budge, toured the Lancaster countryside and studied Lancaster's strategy for protecting farmland. Budge last year organized Australia's first farmland preservation conference.

"There is a strong movement in Australia to preserve and protect prime quality agriculture land," Budge said. "The difficulty is that there has been only limited policy and legislative direction and support from state governments and no initiatives by the federal government. At this stage it is not seen as a national issue."

Yet, according to Ian Sinclair, a member of the touring group, only 10 percent of Australia's land base is arable, making the need for farmland preservation even more acute than in the United States, he said.

Sinclair is manager of strategic planning for the Wollondilly Shire Council in New South Wales. There efforts have been made to protect agricultural use, including limiting development to one building right per 10 hectares, about 25 acres, and requiring that any additional building demonstrate its use as auxiliary to agriculture.

According to Tom Daniels of the Lancaster County Agricultural Preserve Board, who visited Australia last fall and hosted the tour group, Australians advocating farmland preservation have a marked disadvantage in that the Australian national government has conducted no studies to estimate the rate of farmland loss there.

Such studies, including the U.S.D.A.'s National Resources Inventory and the 1980 National Agricultural Lands Study, provided a basis for the farmland preservation movement in the United States.

NJ program's fee simple option saves dairy farm

Trenton, NJ — How do you keep a state's dwindling number of dairy farms from getting even smaller in the

face of imminent development? New Jersey's farmland preservation program is endowed with something no other state program possesses: the option to purchase a farm in fee simple when time is of the essence.

The option lends to the program an interesting aspect as well — the business of auctioning. The farm must be sold as quickly as possible after it is purchased, to avoid accumulating maintenance costs.

The growing season is also a factor. The 233-acre farm purchased April 7 could still provide a productive season if sold before summer. The auction will take place June 7.

New Jersey's number of dairy farms has decreased by about half over the last 10 years, from 498 in 1985 to 253. *Baumley: (609) 984-2504.*

More on big box retail design standards

Fort Collins, Colo. — Besides the effect superstores have on a small town's main street businesses, people object to superstores such as Wal-Mart because of how they look: big boxes set on a prairie of asphalt. While the consumption of land is the larger concern, the appearance also damages a small town's integrity, its feeling of intimacy achieved through traditional structures built to human scale that are accessible to pedestrians.

The town of Fort Collins recently enacted a set of zoning and site location standards for superstores that seek to make them more acceptable. The standards "do more than just prescribe landscaping and other design requirements," according to Chris Duerksen, managing director for Clarion Associates in Denver, consultant to the Fort Collins City Council.

"They also focus on the relationship to the street and the surrounding neighborhood. They limit parking in front, and move more of it to the back. Facade treatment is required to make the boxy building more compatible with the adjoining neighborhood. We even included the novel concept of a sidewalk from the street to the front door," Duerksen said.

Communities that would benefit most from design standards are those approving their first superstore. Requiring community-friendly design should be easy to promote to a corporation, Duerksen said.

"In the long run, good design does not cost the big box retailer a thing. Corporate style can be maintained while the community perceives a good neighbor. That should help, not hurt sales." *Duerksen: (303) 837-3459.*

Maryland, from preceding page

come from the original transfer tax reduction bill, the reduction for first-time homebuyers is meant to attract business and new residents to the state, a move that some think conflicts with the goals of Maryland's 1992 Planning Act. Some say the legislation was geared toward companies that pay moving costs for certain employees when they locate to Maryland.

The Closing Cost Reduction Act of 1995 may have the net effect of making Maryland more attractive as a place to live, according to Nita Settina, legislative representative for the Chesapeake Bay Foundation. Population migration is one of the chief concerns addressed in the Planning Act, yet "there is still strong political support for making Maryland an attractive place—to draw people to it," Settina said.

One way of addressing resource conservation while alleviating closing costs is to apply the exemption only in the state's designated growth areas, Settina said.

1000 Friends of Oregon: Articulating the conservation view of takings

"1000 Friends supports existing constitutional requirements for compensation when all value of a property is taken. This view also happens to be the basis for 70 years of legal precedent in this country — the value of land is not created only by landowners. Land values increase because government invests in roads, sewers, water lines and other taxpayer-funded services that make a location more feasible for development. If we as taxpayers paid to create increased land values, why should we pay again when land values decrease? Land values may also be increased by other people's investments on adjoining land. Should taxpayers be required to compensate landowners for increased value the landowner did not create?

And, finally, what about regulations that allow developments which diminish the value of other people's property, for example, a gravel pit, waste incinerator or landfill? Should local governments be required to compensate nearby landowners?

Good planning takes into account and reconciles competing private and public objectives. A simplistic overemphasis on private property rights, without a balancing understanding of private property responsibilities would handcuff our ability to protect our children's stake in sensible land use and should be defeated." — *Excerpted from 1000 Friends of Oregon newsletter, Sept. 1994*

Sprawl alert**Commission uses media, gets results**

PLYMOUTH MEETING, PA — What's black and white and green all over? A newspaper insert that alerts tens of thousands of local residents about the perils of losing farmland and open space.

The Chester County Planning Commission, faced with a comprehensive plan update this year, has taken its concerns to the people in a big way.

The Commission hired a consultant to write and design an eight-page newspaper insert describing how Chester County is being consumed by sprawl, what it will cost taxpayers if sprawl continues, and how residents have choices — that while growth may be inevitable, the style of that growth is optional if residents act now by getting involved. Two ways to get involved are offered: to respond to a questionnaire on the back page, and, to attend upcoming workshops.

The paper was inserted in 80,000 newspapers, reaching 80 percent of the county's population, according to Commission chairman Henry A. Jordan. Another 20,000 were made available at libraries and will be distributed at meetings. So far, about 4,200 responses to the questionnaire have been received, and the results are good, Jordan said: by a margin of 10 to one, residents want to stop sprawl and save farmland.

"We realized in re-doing the comprehensive plan we needed citizen input. We have 73 municipalities and each makes its own land use regulations," Jordan said.

The planning commission is experienced in the use of public relations to build support for conservation. In 1989 the commission hired the same consultant to promote a \$50 million bond issue to pay for open space and farmland preservation. Promotion was done through direct mail, targeting voters who were most likely to vote in an off-year election.

The campaign was a success, netting an 80 percent yes vote, and has since resulted in 65 of the 73 municipalities establishing open space plans.

The success of the 1989 bond referendum secured a land preservation legacy for Chester County, which has substantial scenic, historic and cultural resources. The bond funds were used for open space planning assistance to municipalities, to acquire land for parks and to purchase development rights on farmland, leveraging county funds with the state program that began operating the year of the referendum. Some of the bond funds were also used as grants to the Brandywine Conservancy and the Natural Lands Trust, which received several million remaining from the bond funds just last month, according to Jordan.

The planning commission spent about \$12,000 for its newspaper insert for printing and distribution. But the job isn't over yet, Jordan said. The next step, after completing public meetings and tabulating final questionnaire results, is to put out an RFP for an economic impact analysis showing the cost difference between sprawl growth and efficient growth, he said. *Contact: Henry Jordan, (610) 828-6331.*

legislative and program briefs ...

In New Jersey ... The farmland preservation program's request for \$50 million in bond funding is part of a \$310 million land protection package that includes funds for the state's Green Acres program as well as a new "Blue Acres" program that will provide grants and loans to localities to purchase inland watershed and coastal properties that are subject to flooding or natural disaster. The bond package will go to voters next November.

SB 1935 - New Jersey's take on takings - would require state agencies to compensate property owners if environmental regulations reduce value by 20 percent or more.

In Maryland ... Several bills affecting the state transfer tax were modified to lessen impact on Program Open Space (see story this issue). SB 6 was substantially modified, increasing the farmland preservation share of the transfer tax revenue by just 1.3 percent. The bill originally called for a 9.2 percent increase, from 13.2 percent to 22.4 percent. The farmland preservation program will now receive 14.5 percent of the transfer tax revenue annually.

In Pennsylvania ... Both the Senate and the House have introduced takings bills, with Senate Bill 805 the more sweeping (see story this issue.)

The County Farmland Preservation Association of Pennsylvania will meet June 23rd to review its bylaws and elect officers. The Association steering committee members are: Ellen Dayhoff, Patty McCandless, Tom Daniels, Ray Pickering, Bernie Riley, Betty Reefer, Jake Heisey, and George Hurd. *For information contact Ellen Dayhoff at (717) 334-6781.*

With the latest round of easement approvals announced in April, 530 farms in 30 counties are preserved, comprising 66,519 acres.

In Illinois ... The Chicagoland Transportation and Air Quality Commission, convened by the Center for Neighborhood Technology in 1994, is building citizen support for transit-oriented redevelopment of urban and suburban areas, in place of "suburb-expanding highway investment." Eleven hearings are underway to discuss the Chicago Area Transportation Study. Called the 2020 Plan, the study will govern all transportation investments in the six-county region, with only approved projects eligible for federal funding. The Chicagoland commission is urging that the plan, among other goals, "develop and implement a six-

county metropolitan growth management strategy that conserves open space and reduces sprawl."

Contact: Center for Neighborhood Technology, (312) 278-4800, x 133.

In Washington ... The state's Growth Management Act (GMA) is headed for trouble, since the legislature passed what is perhaps the nation's strongest takings law. Initiative 164, which was passed without amendment and does not require the governor's signature, requires state and local government entities to pay full compensation for any reduction in land value resulting from any regulation, including zoning. The law, which takes effect July 22, is being challenged by petition, with localities saying they have no budget to pay for it. Many planners believe the law will gut the GMA. Others say results will be mixed according to how localities and citizens respond.

In Virginia ... SB 1017 passed and will require the Department of Planning and Budget to analyze how proposed state regulations will impact the use and value of private property.

In Minnesota ... Rep. Myron Orfield's bill that would institute tax-base sharing to alleviate the fiscal and social inequity effects of sprawl, has passed the House and is pending on the Senate floor (see next issue for full report). Another Orfield bill that would have required consideration of the effect of a conservation easement on land for assessment purposes did not make it through committee. However, one provision of the bill, to allow citizens to sue a local government for not complying with its comprehensive plan, has been attached to an omnibus bill in the Senate. Orfield: (612) 296-9281.

In Congress ... S. 605, the Omnibus Private Property Rights Act of 1995, is pending in the Senate Judiciary Committee, which has held one hearing on the bill. Other hearings may be held, with the possibility of a hearing held outside Washington. For a copy of the bill, call the Senate document room at (202) 224-7860, or the Committee at (202) 224-5225.

The House Subcommittee on National Parks, Forests and Lands is considering two bills that would assist localities in creating national heritage areas. H.R. 1301, the American Heritage Area Act of 1995, introduced by Rep. Bruce Vento, passed the House last September. H.R. 1280, the Technical Assistance Act of 1995, streamlines and refines H.R. 1301, making some significant changes. The National Coalition for Heritage Areas "is comfortable with" H.R. 1280, according to chair Elizabeth Watson, because the funding would not be drawn from the Historic Preservation Fund, which would affect the National Trust. To learn more about the bills, contact Clare Novak at (202) 673-4204.

The Nature Conservancy

Matching economic development with land conservation efforts

BELLE HAVEN, VA — Full funding has been pledged to support a new sustainable development effort created by The Nature Conservancy in relation to its holdings along Virginia's Delmarva Peninsula coastline, according to Peter W. Rowe, director of land programs for the Virginia Coast Reserve.

Creation of the Virginia Eastern Shore Corporation culminates from community planning efforts and was formed to support products, business ventures and land uses that are environmentally sound and characteristic to the community. The corporation is owned by The Nature Conservancy, and will operate as a holding company for three entities: Eastern Shore Products, Eastern Shore Venture Fund and Eastern Shore Lands.

Eastern Shore Products will develop, license and market products that reflect the character of the region, and benefit from association with The Nature Conservancy and the Virginia Coast Reserve. The company will focus on developing and marketing compatible nature-based tourism programs and specialty agricultural products grown through sustainable methods. One focus will be to develop local crafts or other products that provide business opportunities and jobs for local residents.

The Eastern Shore Venture Fund will provide short term business loans, guarantees and venture capital to local enterprises that are ecologically compatible. The fund will also provide "micro loans" to local entrepreneurs and focus on assisting start-up business ventures and products that cannot secure other financing.

Eastern Shore Lands will serve as the vehicle to implement sustainable development of the landscape on the Shore, just as the other two entities will help develop a sustainable economy. Eastern Shore Lands will acquire, lease and resell seaside farm and village properties with conservation restrictions, provide farmland for sustainable agriculture, and assure affordable housing and commercial facilities to prevent displacement.

The Conservancy has begun a project working with seafood producers in a long range plan that will market value-added products grown in the protected waters of the Virginia Coast Reserve, a plan that will protect the resource while providing jobs in a traditional Eastern Shore industry.

The Nature Conservancy has been building an economic development strategy for the region since developing a policy several years ago that land conservation cannot succeed in a vacuum, and must work with local people to protect and enhance land preservation investments. The goal is to foster development near bio-reserves that is compatible with conservation. Contact: Richard A. Schreiber, (804) 442-7161.

resources ...

Publications

The Small Town Planning Handbook

Thomas L. Daniels, John W. Keller and Mark B. Lapping
 APA, 312 pp, \$34.95 2nd ed.
 Now available from the APA. Please note cost is \$34.95, and was incorrect in last month's issue.

Managing Growth in Western Rural Communities National Conference of State Legislatures \$5

This brief report reviews the impact of unmanaged growth on rural western communities and recommends legislative options to strengthen local land use planning. Order by calling (303) 830-2054.

Conferences & Workshops

May 21 - 24, Charleston, WV: Fourth National Watershed Conference, *Opening the Toolbox: Strategies for Successful Watershed Management*, sponsored by the National Watershed Coalition. Topics include flood prevention while protecting natural resources; on-farm and watershed-wide water quality protection; partnership approaches to meeting watershed needs and opportunities; nonstructural flood control measures; riparian corridor management and restoration. For registration materials call (303) 988-1810 or (303) 988-2790.

June 21 - 24, Madison, WI: *Who Owns America? Land and Resource Tenure Issues in a Changing Environment*, sponsored by the Univ. of Wisconsin, Land Tenure Center, North America Program. Focus on issues related to the ownership, management and regulation of land and natural resources. Topics include tenure systems and resource productivity and sustainability, political equality, environmental justice, wealth and income distributions, minority and gender

inequalities, land use regulation, etc. Call Lisa Williamson, (608) 262-3658. The Land Tenure Center is an institute for research and education on social structure, rural institutions, resource use and development, worldwide.

June 25 - 29, Minneapolis, MN: Sixth International Conference on Low-Volume Roads, hosted by the Center for Transportation Studies, University of Minnesota and sponsored by the Transportation Research Board, National Research Council. Will examine new technologies and techniques in the planning, design, construction, operation, maintenance, and administration of low-volume roads and systems. Cost, before May 25, \$160. For a program call (612) 626-2259.

Sept. 16-18, Portland, OR: National Rail Conference, sponsored by City of Portland, focus on land use, funding, development and communities. Contact Bill Shoemaker, 800-788-7077.

Oct. 1 - 5, Cape May, NJ: The National Fish and Wildlife Foundation's 1995 National Partners in Flight Workshop, Building Consensus for Action—Developing a Strategy for a National Conservation Plan. The Foundation is a federally-chartered, independent non-profit organization supported by private contributions. "Partners in Flight" is an initiative to reverse declines in neotropical migratory birds through habitat protection and management, training and public education in North America, Latin America and the Caribbean Basin. The program is working with land trusts and is open to ideas on how to work with other public and private land protection programs. The conference will develop a blueprint for state, regional, national and international strategies for bird conservation. Request registration materials from: Partners in Flight, c/o D. Lawrence Planners, 1125 Atlantic Ave., Suite 634, Atlantic City, NJ 08401, or fax request to: (609) 348-4433.

Oct. 11 - 15, Fort Worth, TX: Strategies and Partnerships for a New Era, the 49th National Conference of the National Trust for Historic

Preservation. Send preliminary program request to: NTHP, 1785 Massachusetts Ave NW, Washington, DC 20036.

Oct. 15 - 19, Pacific Grove, CA: National Land Trust Rally 1995, organized by the Land Trust Alliance. More than 100 speakers lead dozens of sessions on land transactions, fundraising, partnerships, conservation easements, land stewardship, etc. Field trips, networking, special events. Registration starts in June. Early registration fee for qualified members is \$204, others \$280. Accommodations at the Asilomar Conference Center includes all meals, range from \$55 to \$100 per person per day. For brochure call (202) 638-4725.

May 18 - 23, 1996, State College, PA: The 6th International Symposium on Society and Resource Management, hosted by Pennsylvania State University Department of Agricultural Economics and Rural Sociology. PRELIMINARY CALL FOR PAPERS. Focus: better integration of social and natural sciences in addressing resource and environmental issues. A commitment to the role of social perspectives in managing natural resources is emphasized. Topics include the increased role of tourism in rural community development; developing natural resource partnerships; interdependency of ag, forestry, with conservation, preservation, recreation use of land and water. Submit abstract by Nov. 1, 1995. For information contact A.E. Luloff, Professor of Rural Sociology, (814) 863-8643.

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farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

SPRAWL SUMMIT AT BROOKINGS

Fighting sprawl requires broader constituency, leaders say

WASHINGTON, D.C. — About 200 people attended a conference on sprawl at The Brookings Institution March 22. About 300 more were turned away for lack of space, according to conference organizers.

The event was co-sponsored by Brookings, the National Trust for Historic Preservation and the Lincoln Institute of Land Policy.

The fiscal, environmental, cultural and psychological impacts of sprawl, alternative development patterns, and political and legal issues were presented by four panels during the day-long event.

Andres Duany, creator of the widely acclaimed pedestrian centered community of Seaside, Florida, told the group that among the most pervasive causes of sprawl are construction codes "that don't understand human behavior." Duany said sprawl is largely the result of American engineering that has concentrated on demographics and the physical

underpinnings of the built environment, while ignoring the visual and social needs of people.

Duany, who has taught at the University of Miami School of Architecture since 1975, said he has not been involved in research "because nobody trusts me." He said empirical evidence "doesn't count because it leaves out the bean counters."

Duany promotes the adoption of ordinances to allow for "Traditional Neighborhood Zoning" (TND), that would parallel current zoning and allow, by right, a return to pre-World War II streetscapes and mixed uses.

Randall Arendt, author and promoter of open space preservation through clustering, could not attend the conference but said in a telephone interview that TND without strategies to curb

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Chicago demonstrators link sprawl, urban decline issues

CHICAGO, IL — Hundreds of demonstrators marching April 1 to commemorate the urban policy initiatives of Martin Luther King Jr. were joined by suburban and rural groups protesting the expenditure of millions to build tollways and airports in Chicago's outer regions.

The event took place in the desolate west Chicago neighborhood of Lawndale where Martin Luther King Jr. and his family lived in 1966 during King's national "End Slums" campaign. The march may have marked the first time seemingly divergent interests joined together to demonstrate the link between ever-expanding suburbs and inner city blight.

Such coalitions have been urged by national

preservation leaders as a means to build a powerful nationwide movement to end government policies that encourage and subsidize sprawl and

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Anti-sprawl leaders: build a platform, the people will come

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sprawl would likely create "TND's here and there, and business as usual in between."

Arendt said a comprehensive strategy is needed to curb sprawl that would combine urban growth boundaries with low-density agricultural zoning in addition to TNDs.

Need to build broad-based constituency cited

Henry Richmond, founder of 1000 Friends of Oregon, the group that has worked to keep Oregon's growth management law intact, said sprawl and its auto-dependency is threatening the income stability of America's middle class.

Richmond, who has proposed the creation of an institute that would study ways to change land use policies in the U.S., said the argument against sprawl "doesn't have to be an argument against the free market, but against a range of policies" that create non-sustainable conditions.

Such policies include extensions of highways and sewer lines but also financial inducements to sprawl such as the single family mortgage interest deduction and insurance. Richmond pointed out in a speech before the Greenspace Alliance in Philadelphia last September that the interest and insurance breaks may not be bad policies, but that there are no policies to counter the results, such as comparable financial incentives for environmentally sound, mixed use, transit-oriented development, "a major reason why such development isn't built, and why sprawl is," he said.

Topping the list of speakers was National Trust President Richard Moe, who has become a national spokesman for an emerging anti-sprawl coalition that includes academic and non-profit participants as well as grassroots efforts opposing superstores. Yet no formal organization has occurred, and that is something that is needed, Moe indicated.

"We can't hope to make substantive progress until we build a broad-based constituency for fighting sprawl and creating more livable communities. Businesses and government agencies must be part of this coalition, along with community groups and private citizens, both urban and rural residents," he said.

Moe's thought on coalition building has been espoused by others, including Henry Richmond

and Minnesota state representative Myron Orfield, also a speaker at the Brookings conference.

Rural/urban coalition underway in Chicago

Such a coalition of both urban and rural activists whose problems are linked to the expansion of suburbs and the decline of cities, has been forming in Chicago. There, on April 1, a demonstration march took place in the west side neighborhood of Lawndale to memorialize the efforts of Martin Luther King Jr. who warned of the dangers of "negro cities surrounded by white suburbs."

A large group of students and supporters of a west side after-school gang intervention program was joined by rural and suburban citizen groups fighting a tollway extension through northwest Illinois, as well as an airport in a farming region near Peotone in Will County (see accompanying story).

Revolutionary ideas in Minnesota legislature

Minnesota state representative Myron Orfield, part of a Brookings panel on political and legal issues, has conducted extensive research into demographic trends of inner cities and inner-ring suburbs. He described the outward expansion of Minneapolis/St. Paul as having been generated by poverty at the urban core where social problems led to fiscal instability.

Orfield has been promoting the idea of tax-base sharing as a means of achieving metropolitan stability and curbing fiscal incentives for sprawl. A coalition-building initiative in that state's legislature has secured one third of the legislators from the state's metropolitan areas who together "can move land use bills out of committee," he said.

Orfield believes coalition building at the community level must bring together the groups of people who are hurt by policies that create sprawl. "You have to organize the losers who are being hurt by the status quo."

Organizing the "losers" in the sprawl equation

Orfield said in an interview that a community organizing project in Minneapolis involves groups whose issues affect the "losers" in the sprawl equation.

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Brookings conference, from previous page

tion, such as fair housing advocacies.

Catholic and Lutheran congregations in Minneapolis have also gotten involved in land use and sustainable community issues. Involvement by the religious sector promises to be a powerful alliance, Orfield believes. "There are oceans of totally dormant power out there," he said.

Orfield's theory rings true in other parts of the nation where environmental degradation has prompted religious groups to organize for change. In North Carolina, an organization initiated by a Judeo-Christian coalition has made land stewardship a priority. The Land Stewardship Council of North Carolina produces a monthly newsletter on the environmental advocacies of various churches in the state.

The National Council of Churches of Christ, the United States Catholic Conference, the Evangelical Environmental Network and the Consultation on the Environment and Jewish Life produced 50,000 resource packets titled "God's Earth, Our Home." It tells congregations how to get involved in environmental stewardship. Recently, Presbyterians for Restoring Creation formed to strengthen the Presbyterian Synod's 1990 mission priority of "restoring creation for ecology and justice."

Fiscal plight becomes might in anti-sprawl argument

The Brookings event also brought Robert W. Burchell, professor of urban planning at Rutgers University, who directed the fiscal impact assessment of New Jersey's state plan. Burchell said successful state planning "is a closed system — what you want to achieve on the conservation end, you have to achieve in the public approval for increased density."

Burchell said a plan's edict "can't stray too far from market choices without providing comparable satisfaction." A demonstrated development alternative must provide public safety as well as a feeling of public acceptance, he said.

Any attempt at state planning "must have everyone participate in the solution, even if compromise fails to reach true objectives. "Small and incremental progress is still progress if all players are involved," Burchell said.

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Coalition in action

Rural, urban interest groups march together in Chicago

continued from page 1

contribute to the decline of America's cities.

Co-organizer and Chicago writer Robert Heuer said the march through Lawndale was an effort "to get people walking on alien turf, to show people the problem. It's an organizing tool."

Heuer, who has written extensively in regional magazines and newspapers about the expansion of the Chicago region, calls the land development process "an unholy alliance of the private and public sectors... a large portion of our economy is based on the principle that farmland on the edge of suburbia is 'empty space' best filled with concrete, asphalt and sod ... our very idea of economic progress, called growth and development, has degenerated into a shell game of relocation that creates wealth by shifting it from cities and aging suburbs to newer suburbs with all the power of centrifugal force."

At a Philadelphia conference last fall, Henry Richmond, founder of 1000 Friends of Oregon and the National Growth Management Leadership Project, said interest groups affected by wasteful growth patterns are fragmented into such areas as environmental, equitable housing, urban community development and land preservation, and are "having difficulty achieving objectives by themselves." Since the issues are directly affected by land use, Richmond said, policies could be forged to advance related interests.

"We have a 'coalition-in-waiting' out there — if we have the courage to break out of our old patterns and reach out to other people, and to other people's concerns." Richmond, who has been visiting Chicago to foster grassroots organizing, said a coalition building process that articulates an alternative vision of America's communities — a vision that many interests "can buy into" is needed. The vision would focus on cities without sprawl, cities that are less costly to live in and support, and regions without economic disparities that have created vast inequality in schools and services.

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Chicago coalition could be start of national constituency for better communities

continued from page 3

To develop a strategy for changing growth policies without a constituency to support such changes would be futile, according to Richmond and other anti-sprawl leaders such as National Trust president Richard Moe.

"The issue can't be resolved in our state capitals or locally, until the issue is clarified, and until an influential, multi-interest constituency is forged, at the regional level, state by state, across America," Richmond said.

The Lawndale community was devastated by the decision of Sears, Roebuck and Co. to relocate to downtown Chicago in 1973. Less than 20 years later, the company moved to the northwest suburb of Hoffman Estates. The Illinois legislature helped with the latter move with a \$200 million subsidy. The former Lawndale complex, home to the Sears \$50 billion mail-order business for almost 75 years, became a ghost town assuring the community's downward spiral.

Despite an effort by Sears to replace its site with housing, life in Lawndale is a constant struggle between churches and street gangs, both vying for the energy and loyalty of young people. Illegal drugs dominate its micro-economy, but the Sears effort does not focus on crime or job creation.

To this streetscape of boarded-up buildings and piles of debris came activists from four suburban and rural counties representing citizen efforts to protect their communities from the very thing Lawndale needs — development and investment.

The Chicago march took participants to the site of the King family's home, now a vacant lot.

Organizer Heuer said the Chicago coalition will likely focus next on the \$2.4 billion slated to be spent on Illinois tollway extensions that will cut through some the state's richest farmland and lay open new regions for development. The coalition will seek to demonstrate how the tollway extensions, sanctioned by the legislature in 1993, devastate farming regions while continuing a dangerous and benign neglect of Chicago's urban core.

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etcetera ...

National Research Council to study land use, urban decline

Washington, D.C. — In an unprecedented move, the National Research Council has undertaken a study that will combine areas it usually pursues separately in order to assess how national policies affect metropolitan land use.

The 36-month study led by a 15-member committee will examine how to mitigate the effects of dispersed development patterns, according to study director Morgan Gopnik.

Gopnik, attending a conference on "Alternatives to Sprawl" at The Brookings Institute in Washington last month, said the committee will "see if we can make a bigger link" between urban problems and how development occurs on the urban fringe.

Gopkin said the study represents the first time the council itself has made the link — four separate commissions under the Council's umbrella that study various aspects of urban problems will undertake the study jointly, combining research in environment, social sciences, transportation and infrastructure.

The study will examine federal policies such as taxation and infrastructure investment that have led to current development patterns and loss of farmland in metropolitan regions. The focus will be on "environmental impacts and resource utilization, sociological impacts, urban and regional economic development, and the cause-and-effect links with transportation systems, including public transit," according to an NRC memorandum. The study is called the "Project on U.S. Metropolitan Development Trends."

The NRC's Commission on Geosciences, Environment and Resources will coordinate the study, which will include several open sessions where public testimony will be taken. Two workshop reports, one interim report on study methodology and a final report will be produced as well as case studies of several metropolitan areas.

The National Research Council was created in 1916 to draw public and private sector expertise for undertaking studies for Congress and government agencies. One of the council's more recent "fast-track" study proposals resulted in the creation of the National Biological Survey. *Contact: Morgan Gopnik,*

(202) 334-3600.

Coloradans talk about ways to "grow smart"

Denver, Co. — A report issued after a "Smart Growth Summit" held in Denver in January includes many suggestions from citizens who apparently disagreed over what is smart when it comes to growth.

Smart growth may be growth that protects property values at the urban fringe, some participants said, while others talked about growth boundaries. Rural residents worried about their land becoming "open space" for new urban residents, notably along the state's Front Range, saying they do not want their communities to be "dumping grounds" for urban tourism or recreation.

Despite these fears, ideas contained in the Smart Growth and Development Report, produced by the Colorado Department of Local Affairs, are streetwise and include required open space in site plans, "preserving a critical mass of agricultural land," and collaborative funding of open space lands to include real estate transfer taxes or sales taxes.

Ten regional meetings are underway. For information or a copy of the "Smart Growth and Development Report" call (303) 866-2817.

In Kentucky locality, TDR was DOA

While many TDR programs across the country inch forward, others, like in Scott County, Kentucky, have been declared dead on arrival. Misunderstood and maligned, TDR there became the victim of jealously guarded property rights.

The Georgetown-Scott County Joint Planning Commission has had TDR on the books for about four years, but the public has not accepted it. In fact, the public has not been in an accepting mood for anything that looks like planning and zoning, according to planner Steve Austin. A cluster provision was removed from the area plan as well.

"There are various reasons why [TDR is inactive]. Nobody has seen a fair way to implement it yet. All the property owners want to reserve the right to develop their own land. There's a fear of losing control," Austin said.

The TDR plan was passed in the area's comprehensive plan, was adopted by all the county's towns, and was promoted by a 40-member citizen committee, but still something didn't click.

"The only way to save the Bluegrass is to have a regional TDR, or in 100 years there won't be any Bluegrass landscape," Austin said.

Chicago march, from preceding page

Even though new federal transportation policies clearly favor public transit over new highway construction, the Illinois State Toll Highway Authority is not bound by federal principles since it does not use federal dollars. The Authority is also immune from having to deal with the public through hearings.

Cindy Skrukud of McHenry County Defenders, whose county is in the path of one of the tollway extensions, said the Chicago coalition "is still in its infant stages, but this was the first time we went out to be together and make the connections."

Skrukud said the Illinois legislature represents the interests of suburban expansion and tax base, and that any initiative big enough to make a difference will have to come from a broad-based coalition such as the one emerging from the Chicago event.

Participants in the march represented "different ends of the same problem. There aren't two groups, just people who want to make their communities liveable and sustainable," Skrukud said. "If we are going to truly have change so we can have liveable and sustainable communities, then people from those communities have to bridge that false gap" between urban and suburban problems, she said.

Joe Ann Bradley, executive director of the Community Action Group in Lawndale, said she first grasped the idea of merging interests related to sprawl through her contact with the National Trust for Historic Preservation.

"What's happening to the inner city is now happening to older suburbs. It seems politicians don't get the picture. We're coming together to try to change that course," Bradley said.

Jacky Grimshaw of the Center for Neighborhood Technology in Chicago said the tollway extension into Will County could create a new development zone ultimately doubling the size of Chicago. "This region does not need two regions of Chicago. We cannot maintain that sort of investment."

The coalition, Grimshaw said, has a "commonality of purpose in terms of investment. It's definitely a viable coalition because the interests are the same."

Contacts: Bob Heuer, (312) 274-7084; Cindy Skrukud, (815) 338-0393; Joe Ann Bradley, (312) 762-5960; Henry Richmond, (508) 228-9462; Jacky Grimshaw, (312) 278-4800 x133.

TDR review**TDR initiatives difficult for NJ townships;
Pinelands program in 14th year**

Second part of a review of transferable development rights initiatives.

In Upper Freehold Township in Monmouth County, New Jersey, a TDR plan is on the backburner while the town deals with a developer's plan for a major residential project.

But TDR is not dead, according to county planner Karen Fedosh. Last summer the township worked on updating its master plan to include TDR while eliminating the township's one-acre zoning to possibly expand to three acres.

Burlington County is New Jersey's largest agricultural county and has a long tradition of supporting farmland preservation. It is the most active county in the state's easement program, and in 1989 the legislature authorized Burlington County to demonstrate the viability of TDR. A few townships showed an interest, but ability to study the concept and initiate implementation has been varied, and, slow.

Chesterfield Township took the lead, hiring consultants to perform a market and feasibility study in 1990. But since 1992 when township officials reviewed a third draft of a TDR master plan, the initiative has stalled.

Now, Lumberton Township is taking the lead, working with county planners to adopt TDR. A voluntary TDR master plan has been adopted and a planning board and township committee are developing an ordinance to implement it.

The Lumberton initiative was triggered by a farmer who owns about 1,000 acres, according to Alan Buchan of the Burlington County Land Use Office. The farmer's acreage is comprised of 25 - 30 parcels, mostly contiguous. Six neighboring farmers have joined in a plan to create a receiving area around the 1,000-acre sending zone. The scheme will end up operating much like the married sending and receiving sites of the San Luis Obispo County (Ca.) transfer model (see last issue).

The Pinelands

The Pinelands Development Credit (PDC) program has been operating since 1981 and is one of the most active transfer programs in the nation.

The Pinelands is a vast stretch of pitch pines, cedar swamps, cranberry and blueberry operations, as well as towns and developed areas covering 934,000 acres in seven counties from just east of the New Jersey Turnpike southeast to Cape May.

The program is managed under a comprehensive plan that divides the Pinelands into a Preservation Area, where development is limited, and a Protection Area, where development is allowed with

please continue to next page

**legislative
and program
briefs ...**

In Maryland ... Amendments to SB 6, the bill that would increase the percentage of real estate transfer tax funds going to the farmland preservation program, have drastically cut the amount of increase the program would receive, from a 9.2 percent increase to a 1.3 percent increase. The Senate version of the bill would allow localities to spend funds allocated for Program Open Space projects for farmland easements.

Legislation to cut the real estate transfer tax has proceeded, with efforts to soften the long-term impact on Program Open Space. A one-time transition cost would be borne by the program, however, under a proposal by the governor.

In Pennsylvania ... In Lancaster County, Warwick Township has turned down a Wal-Mart proposal. Three other Wal-Marts are still proposed elsewhere in the County.

Lancaster County residents rank farmland preservation as their second highest priority, after crime, according to a poll by Millersville University Center for Politics and Public Affairs.

In New Jersey ... A bill that would expand farmland assessment to include boarding of horses, in addition to breeding as a farm enterprise, was before the Senate at press time. In Monmouth County last year 27 equine businesses lost their agricultural assessment because they were no longer breeding, according to John Allen of the Millstone Township Open Space and Farmland Preservation Council. In New Jersey, agricultural tax assessment requires a minimum \$500 gross sales and five acres in ag use.

In Minnesota ... A bill that will protect farmers from special assessments for services such as sewer extensions will likely pass this year, according to Rep. Myron Orfield. A bill that would require sewer extensions be conditional on a developer providing 30 percent affordable housing, and a bill creating tax base sharing, are under consideration.

In Massachusetts ... The governor's \$320 million open space bond bill, which would allocate \$30 million for farmland preservation, has been refiled in the legislature and "might move ahead this year," said Rich Hubbard of the Department of Food and Agriculture.

The Agriculture Preservation Restriction Program will spend about \$9 million this year, Hubbard said, which would leave \$5 million for

each of the two following years unless the bond bill is passed. The department has initiated a grant program for technical innovations that strengthen farm viability. The grants will be given in exchange for short term land use covenants, Hubbard said. Also, the department is putting together a loan program for new enterprises such as cooperatives or value-added products.

In Connecticut ... The new governor's budget proposed eliminating the department of agriculture and distributing its programs to three other agencies, but the legislature didn't go for the idea. Farmland preservation would have operated under the Department of Environmental Protection — and without a budget, had the proposal passed. As it is, the program has spent nearly all of its authorized bond funding of \$76.2 million. In each of the last two years the program was allocated \$5 million and is requesting the same for the upcoming fiscal year. On the bright side, new agriculture commissioner Shirley Ferris is supportive of farmland preservation. *Contact: Jay Dippel, (203) 566-3227.*

In California ... SB 275, creating a statewide purchase of development rights program, but without funding. The bill made it out of the Senate Housing and Land Use Committee and will next go to the Appropriations committee. Williamson Act cancellation fees are a possible future source of funds, according to Erik Vink of the AFT. From \$3 to \$7 million from the fees are returned to the state general fund each year, Vink said.

The City of Davis in Yolo County recently passed a mandatory development mitigation program that requires all new development projects to purchase easements on farm or natural lands that equal the area to be developed. Five developments, ranging from 20 to 425 acres, have already been affected.

In Congress ... In a survey conducted by the American Farmland Trust 60 percent of 1000 farmers in commodity support programs say they would accept resource conservation as the basis for continued federal support. Dr. J. Dixon Esseks of Northern Illinois University, commissioned to do the survey, said farmers "are anticipating change, and they seem prepared to accept at least some change regardless of their geographical location." As Congress reauthorizes the 1995 farm bill, the AFT is proposing a market-oriented national agricultural conservation policy that gives significant incentives to protect strategic farmland and protect the environment. Funding would come from the redirection of a portion of current farm program entitlement spending.

HR 925, the Private Property Rights Protection Act, and the Job Creation and Wage Enhancement Act had not been voted on as of press time.

Active or developing TDR program sample

LOCALITY	LEVEL OF ACTIVITY	OTHER FACTS
Calvert County, Md. created 1977	6,000 acres preserved through TDR. In 1994, 447 rights transferred privately, 100 purchased by county. Average cost: \$2305. One right allotted per acre in sending zone. One additional unit for 5 rights purchased.	County purchase and retirement (PAR) Fund created in 1993 has purchased 204 rights. PAR Fund is county's state-certified program.
Santa Barbara County, Ca. draft stage	Criteria drafted for sending, receiving sites. Some interest from landowners. Studying San Luis Obispo model.	Want to preserve farmland and coastal areas. Flexible receiving sites possible.
San Luis Obispo County, Ca. pilot phase	Public involvement and education. Pilot project underway. No transfers yet.	Working on "married" sending and receiving sites.
Manheim Twp., Lancaster Co., Pa. enacted 1991	Township has purchased 124 rights; will auction. Rights allocated at .73 per acre. Bonus density overlay allows 0.7 to 1.4 additional units in receiving zone. Cost: Average \$5500 per right.	1,900 acres downzoned in 1991. Promoting private market sales. One third of 14,600 township acres remain in ag use.
Pinelands, NJ enacted 1981	134 rights transferred in 1994. More than 200 rights expected to be used in projects to be approved.	Authorized by legislature to protect resource of statewide significance.

Contacts

Calvert: Greg Bowen, (410) 535-2348;
 Santa Barbara: Matt Dobberteen, (805) 568-2000;
 San Luis Obispo: Ray Belknap, (805) 544-9096;
 Manheim Twp, PA: Jeffrey Butler, (717) 569-6406 x4;
 Pinelands: Jack Ross, (609) 588-3469

certain performance standards in areas designated for growth. Agricultural areas within the Protection Area are developed with more scrutiny.

Landowners in the Preservation Area are allocated four development rights, equal to one development credit, for every 39 acres of upland or woodland owned, an allocation worth four additional residential units to a developer in the Regional Growth Area. Landowners in the Protection Area are allocated twice the number of rights, equaling two development credits for every 39 acres of upland, woodlands or actively farmed wetlands owned.

Sales of PDCs slowed during the recession, but have picked up. In 1994, 134 rights were transferred, compared to 37 rights in 1992. The average cost is \$4000 to \$5000 per right (\$16,000 to \$20,000 per PDC). Purchase of one PDC (four rights) is required to secure the right for four additional building units. More than 2,000 rights are expected to be used in development projects now seeking approval from the Pinelands Commission.

The Pinelands Development Credit Bank was established in 1985 to back up the market and was authorized to purchase PDCs at \$10,000 each, or, \$2,500 per right if a seller could not find a private buyer. In 1990 the bank auctioned accumulated credits, but because of the slow market no auction has since been held.

Sprawl summit

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The Rutger's study, which ultimately played an instrumental role in passage of New Jersey's Development and Redevelopment Plan in 1992, indicated that if New Jersey implemented a growth management plan to curb sprawl, the state could save \$1.3 billion in infrastructure costs for roads, utilities and schools over 20 years.

Tax policy and land use planning critical elements

Changes in federal tax policy and more involvement in land use planning by environmental groups were named as ways to curb sprawl.

"Tax policy that favors development over rehabilitation should be replaced with policies that encourage the reuse of existing housing stock and the revitalization of inner-city neighborhoods," National Trust President Moe said.

Moe told participants that land use planning "is at the very crux of this issue ... [it is] a term that puts many people to sleep and scares others, but it's a concept we have to come to terms with if we're to deal effectively with sprawl."

A report on the conference proceedings, should be ready this spring, according to Brookings public affairs director Stan Wellborn. Contact: Brookings, (202) 797-6000.

resources ...

Publications

Pulling Together: A Land Use and Development Consensus-Building Manual
Urban Land Institute
The Institute's Program for Community Problem

Solving has published this guidebook for community leaders who want to curb costly and unproductive disputes over land use issues by working through conflicts between developers, citizens and government. To order, call (202) 783-2961.

The Small Town Planning Handbook

Thomas L. Daniels, John W. Keller and Mark B. Lapping

APA, 312 pp, \$39.95 2nd ed.

Now available from the APA. The second edition is expanded and updated, with about 60 percent new material.

Conferences & Workshops

April 22-26, Minneapolis, MN: 10th Annual *Landscape Ecology Symposium* of the International Assn. of Landscape Ecology. Sponsored by the University of Minnesota and the Minnesota Dept. of Natural Resources. "This symposium will critically examine landscape ecology as a means of addressing the ecological consequences of human activity." To receive a call for papers and/or registration materials contact Nancy Grubb, (612) 625-6358.

April 23 - 26, Wilkes-Barre, PA: Heritage Partnerships conference sponsored by Preservation Pennsylvania. Workshops include: Preserving the Rural Landscape; Implementing Innovative Land-Use Planning; Funding Sources for Heritage Programs; Sprawl- Its Impact on Community, and Developing Effective Land Use Legislation for Pennsylvania. On 24th, annual meeting of Preservation Pennsylvania. Cost: \$120. Contact Susan Shearer at (717) 569-2243.

May 4 - 5, Los Angeles, CA: "Putting Our Communities Back on Their Feet: The Next Step," sponsored by the Local Government Commission, a nonprofit, nonpartisan organization of local elected officials in western states. Workshop topics include: more livable pedestrian and transit-oriented communities; financing innovative projects; working with developers, businesses and citizens; linking land use, transportation and development, creating and financing alternatives to roads and autos, residential infill, transferring suburbs, strips and malls. Tours, exhibits, and awards dinner. Call Michele Kelso at (916) 448-1198.

May 5, Albany, NY: *Assessing Land Affected by Conservation Easements*, sponsored by the Lincoln Institute of Land Policy and the Govern-

ment Law Center at Albany Law School. For information call 1-800-LAND-USE, and choose option one.

June 21 - 24, Madison, WI: *Who Owns America? Land and Resource Tenure Issues in a Changing Environment*, sponsored by the Univ. of Wisconsin, Land Tenure Center, North America Program. Focus on issues related to the ownership, management and regulation of land and natural resources. Topics include tenure systems and resource productivity and sustainability, political equality, environmental justice, wealth and income distributions, minority and gender inequalities, land use regulation, etc.. Call Lisa Williamson, (608) 262-3658. The Land Tenure Center is an institute for research and education on social structure, rural institutions, resource use and development, worldwide.

Sept. 16-18, Portland, OR: National Rail Conference, sponsored by City of Portland, focus on land use, funding, development and communities. Contact Bill Shoemaker, 800-788-7077.

Oct. 15 - 19, Pacific Grove, CA: National Land Trust Rally 1995, organized by the Land Trust Alliance. More than 100 speakers lead dozens of sessions on land transactions, fundraising, partnerships, conservation easements, land stewardship, etc. Field trips, networking, special events. Registration starts in June. Early registration fee for qualified members is \$204, others \$280. Accommodations at the Asilomar Conference Center includes all meals, range from \$55 to \$100 per person per day. For brochure call (202) 638-4725.

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farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

TDR review

After 20 years, TDR sees varied levels of activity nationwide

Transfer of development rights (TDR) programs in diverse localities nationwide are experiencing varying levels of activity. In the 20 years since the idea of dividing and severing development potential was first grasped as a means of preserving land resources, TDR is rated as among the most challenging preservation techniques to design and implement.

Calvert County, Maryland, on the western shore of the Chesapeake Bay, may well have been first in the nation to create a transfer of development rights program specifically to preserve farmland. Prior to November 1976, when a TDR proposal was first presented to Calvert commissioners, the transfer of development rights for the purpose of preservation had been used in New York City to

preserve Grand Central Station, and in Collier County, Florida, to preserve environmentally critical lands such as saltwater marshes and mangroves.

Calvert enacted its TDR program in 1977. It was voluntary, and no receiving or sending areas had yet been designated. But over the last several years Calvert officials have built a comprehensive program that combines zoning, site restrictions and private transfer as well as county purchase of development rights. The goal is to preserve 80 percent of its remaining 45,000 acres of farm and forest land.

The first development rights were transferred in 1980, with an average price of \$1200 per acre/right between 1980 and 1983. One additional

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AFT issues farm bill proposals, calls era vital to future of ag

WASHINGTON, D.C. — Not since the days of the Dust Bowl has agricultural conservation efforts had more at stake than in the negotiation of the 1995 farm bill, now underway in Congress, according to American Farmland Trust President Ralph Grossi.

Speaking before the Soil & Water Conservation Society as keynote speaker for the Society's annual conference, Grossi said the GOP Contract With America "is already having a profound influence on how we address environmental challenges."

"For the moment, there is rethinking and retrenchment in the area of environmental protection, but make no mistake that it enjoys broad support among the American public. As a challenge to agriculture, it will not go away."

Grossi said that the protection of strategic farmland "has not received the attention it deserves and should become a higher priority in

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AFT calls for spending caps on farm income supports

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federal agricultural conservation policy." While the nation spends almost \$2 billion annually on soil conservation — much of it on marginal farmland — "we spend almost nothing to help states and localities that are struggling to protect some of the nation's best, in some cases unique, farmland from relentless urban sprawl."

The American Farmland Trust was instrumental in bringing about changes in the 1985 and 1990 farm bills that strengthened conservation, including enactment of the Farms for the Future Act, a law it now seeks to have amended to more effectively assist states in financing farmland preservation programs.

As currently written, the Farms for Future program would assist state farmland preservation programs through guaranteed loans and interest subsidies. The AFT is urging the use of matching grants or cost-sharing, and is also seeking \$100 million in funding for the program, which has been funded at \$3 million since 1990. Vermont has been the only state to benefit. AFT said the boost to the program would come from a shift in spending for commodities supports to conservation programs.

"Uncontrolled farm entitlement programs are robbing the future of agriculture by forcing research, education and especially conservation to bear a disproportionate share of federal farm spending cuts," Grossi said.

Grossi's remarks came the day after a lobbying effort coordinated by the AFT in which it issued legislative proposals for the 1995 farm bill that call for significant reform in commodity program policy as well as the current Conservation Reserve, land protection and natural resource management programs.

The AFT has been fostering support among states and other conservation groups for a federal designation of strategic farmland that could be targeted for assistance to local and state preservation programs. The National Governor's Association and the Soil and Water Conservation Society are among groups supporting such a plan.

The AFT is calling for a cap on annual spending on price and income support programs and restructuring the Conservation Reserve Program to allow better protection of farmland and new conservation

incentives.

"The goals driving farm policy today — conservation, expanding production, building soil quality, lessening reliance on government, reducing agriculture's adverse environmental impacts and improving profitability — need not be mutually exclusive. Indeed, the challenge for policy-makers is to make them mutually reinforcing," Grossi said in prepared statement on the proposal's release.

In addition to spending caps on price and income supports, AFT said it would press for the replacement of commodity base acres with a whole-farm base plan to increase farmer flexibility and simplify program design, elimination of annual set-asides, retention of conservation compliance and pilot programs to test new programs.

Under its proposed restructuring of the Conservation Reserve Program (CRP), environmental benefits would increase, and \$1 billion could be saved and redirected to help states address other vital agricultural issues, such as protecting urban-edge farmland.

AFT proposals call for a reduction of current CRP acreage; extension, reform and consolidation of the wetlands reserve program with the CRP; and cuts in program and administrative costs.

"By carefully targeting and selecting new land to enroll, better bid procedures and partial field enrollments," Grossi said, "CRP's environmental benefits could be substantially enhanced and program costs reduced."

AFT specified a voluntary, incentive-based transition from conservation compliance plans on highly erodible land to broader integrated farm management plans.

As part of the transition, AFT proposes a more effective conservation compliance process, adoption of and incentives for erosion control and resource stewardship programs and consolidation of existing cost-share and technical assistance programs. Such changes would benefit wildlife habitat, soils and watersheds, Grossi said, "tangible benefits ... the American public would support."

For a copy of AFT's "Agricultural Policy Reform Proposals for the 1995 Farm Bill," call Gary Kozel at (202) 659-5170. For information on the Soil and Water Conservation Society, call 1-800-THE-SOIL.

TDR review

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dwelling unit is allowed for each five development rights purchased.

Not until 1993 did the Board establish sending and receiving areas, along with mandatory clustering. A "rural community" of 17,000 acres serves as a receiving area, where lots must be clustered onto 50 percent of the site; a "farm community" of 55,000 acres is the sending zone from which development "options" can be transferred, and where any homes that are built must be clustered onto 20 percent of a site. Until these changes, transfer sites were allowed on a case-by-case basis.

In the "rural community," or receiving area, open space must be configured to protect scenic views or sensitive areas, according to Greg Bowen, deputy director of the Department of Planning and Zoning.

In 1994, 447 rights were transferred on the private market, at an average price of \$2,305 each.

In addition to the private sales, 204 development rights, which the county calls "options" until they are sold, have been purchased by the county's TDR bank, at a price of \$2,350 each. The county has preserved 6,000 acres through the transfer or county purchase of development rights. Another 3,200 acres have been preserved through the state easement program.

The bank, called the Purchase and Retirement (PAR) Fund, became the county's state-certified farmland preservation program in 1993. The PAR Fund began with a budget of \$770,000 that had accrued from allocations for matching funds to the state program that went unused. The PAR Fund currently has \$600,000.

Because of Calvert's proximity to Washington, D.C. and a booming development industry, farmers have not been participating in the state program. There were no applications to sell easements to the state between 1986 and 1993, Bowen said. But the PAR Fund offers more flexibility to farmers who may want to sell a few development rights and keep others as future security. Also, the PAR program is not as restrictive as the state program.

Under the PAR program, farmers or owners of farm or forest lands of at least 50 acres can create Agricultural Preservation Districts (APDs). Formation of a district makes them eligible to sell devel-

opment rights, to either the county PAR Fund, the state farmland preservation program, or to developers. Landowners can sell up to 10 rights per year to the PAR Fund. Applications to the Fund are ranked according to criteria for land use, location, size and soils.

Typically, the PAR Fund will restrict an Agricultural Preservation District to 10 - 15 development rights sold per year. In subsequent years, the owner may apply to sell an additional 10 development rights or may sell the remaining rights to a developer. In the PAR Fund, sale of just one right can commit the entire parcel to preservation.

About half of the county's 45,000-acre preservation goal is expected to be met through the mandatory clustering provisions. By the year 2000, the county expects 20,000 acres to be enrolled in APDs, with 12,000 acres permanently preserved. About 16,000 acres are now in APDs, with 9,000 acres preserved.

Last November the Agricultural Preservation Advisory Board asked the Board of County Commissioners to seek authority to impose a real estate transfer tax of up to one-and-a-half percent, but the commissioners refused. For now, funding will have to continue to come from the county's share of state transfer tax revenues and the county general fund.

The county preservation program has also been boosted by creation of the private Calvert Farmland Trust and a recently hired part-time staff person to promote the farmland preservation program.

With the exception of Calvert County, and Montgomery County, where rights have been privately transferred from about 32,225 acres — a level of activity no other locality in the nation has been able to copy — most of Maryland's 11 counties with TDR have seen very slow activity. Examples are Harford, Talbot and St. Mary's counties.

Discussion of TDR in Harford County dates back to at least 1989. The county enacted a rural plan in February 1993 that contained a discussion of TDR as a policy plan, but no bill has yet been drafted and no studies initiated. Harford has had a TDR provision for transfers between contiguous parcels that has seen limited use.

In Talbot County, where voluntary TDR was enacted in 1991, TDRs have been purchased only

please continue to next page

TDR review**Success limited by locality's political will and energy***continued from page 1*

once, resulting in protection of 100 acres in a critical watershed area. Another developer may transfer rights between two parcels he owns, according to zoning administrator Debbie Renshaw.

Talbot added a clustering provision to its subdivision regulations that allows potential for doubling density if purchasing TDRs. Talbot allows transfers between agricultural parcels, requiring clustering on 25 percent of the parcel.

St. Mary's County, the state's southernmost western shore, enacted a voluntary TDR in August 1990, but only one transfer has occurred, resulting in about 50 acres preserved. There is no market for TDRs in St. Mary's, planners say, because too much density is already available to developers. That circumstance seems to remain the most prevalent obstacle to developing a TDR program, as a decrease in allowed density is difficult to attain.

California: TDR of a different color

Innovation in San Luis Obispo County last year spurred the concept of "married" sending and receiving sites, that is, keeping the two close together so the affected community can view the preserved site, thus fostering public acceptance of increased density at the receiving site.

San Luis Obispo County officials hired a private land conservancy to develop the Transferrable Development Credit (TDC) concept and build public understanding of it up front, a move that has been vital, according to Ray Belknap, executive director of the Land Conservancy of San Luis Obispo County and creator of the "married sites" concept.

Traditional transferrable development rights calls for pre-designated sending and receiving areas that are distinct and generally apart from each other. The sending area contains a resource, such as farmland, to be protected. The receiving area is usually a well-established, developing area with plenty of room left for additional density. But Belknap said the importance of pre-designation

*please continue to next page***etcetera ...****Pa. county administrators form organization**

Gettysburg, Pa. — A group of county farmland preservation administrators met in Gettysburg recently to organize the County Farmland Preservation Association of Pennsylvania, whose membership will be comprised of county administrators of the state program.

The group's purpose, according to drafted by-laws, is "to operate a non-profit, non-partisan, statewide association of conservation easement professionals dedicated to promoting and enhancing the interests of agricultural land preservation programs in Pennsylvania."

A primary purpose of the organization, according to Tom Daniels of the Lancaster County Agricultural Preserve Board, is "to provide comment on farmland preservation legislation, regulations and guidelines, and to enable counties to speak with a unified voice, especially at state board meetings."

The group will also have an educational role, assisting the majority of county program administrators who work part-time, Daniels said. The group plans to meet twice a year and may institute dues to conduct workshops. *For more information call Daniels, (717) 299-8355 or Ellen Dayhoff, (717) 334-6781.*

Bank of America calls sprawl threat to Ca. economy

San Francisco, Ca. — In an unprecedented alliance, Bank of America, California's largest bank, has teamed up with the San Francisco-based Greenbelt Alliance, California's state Resources Agency and the Low Income Housing Fund to release a report on the urgency of changing the way California grows.

Unchecked sprawl, the report says, "has shifted from an engine of California's growth to a force that now threatens to inhibit growth and degrade the quality of our life."

Bank of America, like most major lending institutions in the nation, has made its fortune in real estate lending that has spurred the conversion of millions of acres of farmland into ever-stretching suburbs. That it has joined in a statement against such growth patterns has sent shock waves through the growth management community.

"One can almost feel the tectonic political plates shifting as a financial mega-institution of the Bank of America's weight joins in enumerating the real price

of California's continued scattershot development," wrote syndicated urban affairs columnist Neal R. Pierce in a column carried by the *Philadelphia Inquirer* and other newspapers on March 6.

The real price of sprawl is "higher costs for businesses and workers caught in long and exhausting commutes, America's worst air quality, severe farmland loss and 'abandonment of people and investments in older communities,'" Pierce wrote, quoting from the paper "Beyond Sprawl."

Larry Orman of the Greenbelt Alliance said the report came about through his organization's contact with Bank of America's Environmental Policy and Programs section. The president of the bank "saw drafts [of the report] and signed off," Orman said.

The intent of the report was to get state government back on track with plans to retool development policies and regulations, a move initiated about four years ago and interrupted by a fiscal crisis, and, according to some, Governor Pete Wilson's presidential aspirations.

"The report was not intended to be a big deal, but a modest step to move ahead," Orman said. "People are deeply interested in seeing development patterns addressed."

The report details the cost of sprawl and recommends what state and local government, as well as community investment entities can do to attract development to older communities and stem growth on the urban fringe.

Like many major institutions, Bank of America several years ago set up a division to manage environmental affairs. The "Beyond Sprawl" report, however, has taken the bank well beyond most corporate involvement in land use issues. Developers who deal with the bank have expressed disenchantment with the report, according to Orman. The bank "is taking a modest profile now," Orman said.

"Our hope is that the bank would be encouraged to be a leader. None of us wanted the bank to be pushed to take a big step."

To obtain a copy of the 12-page newsletter-style "Beyond Sprawl" report, write Bank of America, Environmental Policies and Programs, #5800, P.O. Box 37000, San Francisco, CA 94137, or call (415) 622-8144.

Other contacts, sponsors of the report: Larry Orman, Greenbelt Alliance, (415) 543-4291; Douglas P. Wheeler, California Resources Agency, (916) 653-5656; Daniel M. Leibsohn, Low Income Housing Fund, (415) 777-9804.

TDR, from preceding page

could be overestimated.

In San Luis Obispo, "the premise behind married sites has been terribly important, critical," Belknap said. "There has been no opposition in the community, and strong interest from landowners who are ready to move ahead."

A technical committee met throughout last summer, comparing and studying 12 potential TDC projects devised by Belknap, and ranked them according to the public benefit to be derived. The committee selected three of the 12 to serve as pilot projects and the county board of supervisors will vote this month to allow the projects to go forward. The landowners involved are ready, Belknap said, but first, an ordinance will have to be written to make the projects legal. Belknap said it will be a good opportunity to write the ordinance around specific projects.

Belknap is looking now at how to assign credits to the sending sites. "We're finding our property values are so incredibly varied for both large and small lots. It's impossible to develop a uniform exchange rate. So maybe we will use the actual appraised value."

Belknap said the concept of married sites applies to rural areas, and that "rural infill" is what will occur in the overall TDC plan. In San Luis Obispo, as in many localities, rural areas are blanketed with lots, many created long ago. "Where there are lots, you're going to have a house." The TDC plan is designed to retire certain lots to that already developing patterns can be filled in.

In TDC, "you try to internalize the impact," Belknap said. "It seems to be working in a rural community. You can find areas where they are willing to accept development to achieve open space objectives."

The biggest lesson so far for Belknap: Avoid opposition by meeting with all community and special interest groups including farm bureaus, even garden clubs. Regarding receiving sites, he presents TDC as a plan that "creates new rights, new opportunities that didn't exist before." While the process has been tedious, "the education time up front has been worth its weight in gold," Belknap said.

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"Married" sending and receiving sites catching on as more viable TDR design

continued from page 5

Santa Barbara examines San Luis Obispo model

The San Luis Obispo model appears to be spreading to adjacent Santa Barbara County, where planner Matt Dobberteen reports his department is "starting to make some decisions on how we want to handle different components" of a transfer of development credit program. He admits married sending and receiving sites equates to political savings in developing program guidelines. "Transfers from region to region would be hard to do," he said.

The county seeks to preserve sensitive coastal areas including wetlands, as well as farmland in the Santa Ynez Valley. While developing the TDC guidelines, Dobberteen is working for a proper relationship between the county's agricultural planning ordinance and the TDC ordinance, studying whether rural clustering, or open space development design would be at all acceptable. Early warning signs are already apparent, he said, as some ranchers feel that clustering in rural areas "is begging for conflict."

Criteria have been drafted for receiving and sending sites, and that has generated some interest in the TDC plan from receiving area property owners. Dobberteen said receiving and sending area boundaries won't be set in stone—some flexibility will be built in "to allow for private sites to come in." The Santa Barbara TDC program will be finalized by the end of this year, he said.

Pennsylvania township purchases rights to transfer

Manheim Township in Lancaster County passed a mandatory TDR ordinance in October 1991, after downzoning 1,900 acres. While no private transfers have yet occurred, the township has purchased 124 rights, allocating .73 rights per acre, thus preserving about 100 acres, according to Jeffrey Butler, director of planning and zoning for Manheim Township.

The rights were purchased in two transactions involving three tracts, with an average cost per right of \$5,500. The purchases were funded through general fund appropriations, developer agreement contributions, and with assistance from the Lancaster Farmland Trust.

The township is offering the rights for sale through auction. One developer is interested in purchasing 40 rights, but the transaction will likely not occur for about a year, Butler said. With transferred rights, receiving areas have a bonus density overlay allowing increases of 0.7 units per acre in the township's R-1 zone, and an increase of 1.4 units in its R-2 zone.

"We do have other developers interested, and there is interest from farmers to sell... we're pushing for private market sales," Butler said. *Next issue: TDR in New Jersey, plus a table.*

legislative and program briefs ...

In Pennsylvania ... Gov. Tom Ridge nominated Charles C. Brosius, a Chester County mushroom grower, to be Secretary of Agriculture. Brosius' 450-acre farm, which also grows hay, wheat and soybeans, is preserved in the state farmland preservation program. Brosius has served on Chester County's Agriculture Development Council and "is very supportive of the farmland preservation movement," according to Chester County farmland preservation administrator Ray Pickering. Other appointments within the department of agriculture are expected.

In February the state program approved easement purchases for 24 farms in 14 counties, protecting 3,225 acres, bringing the state total preserved acres to 63,939.

In Virginia ... The next step in an attempt by Virginia Beach to create an agricultural conservation easement program is to secure funding for appraisals and consulting that will help the city estimate the cost of easements and the feasibility of installment purchase. The program still has strong support on the city council. *Louis Cullipher, (804) 426-5775.*

Virginia transportation officials have refused to endorse a federal highway project known as Appalachian Corridor H, originating in West Virginia, and that would have traversed the farming region of the upper Shenandoah Valley. The "economic growth highway," long pursued by Sen. Robert Byrd of West Virginia, would cost an estimated \$1.1 billion, but in the new budget-cutting Congress, its construction is even less likely without support from Virginia. Before last fall's elections, Congress had appropriated \$270 million to the project. State officials and Congressional representatives say the project is dead.

The Hanover County Planning Commission will explore the future of its rural areas and devise a farmland protection plan. The county currently allows one building right per 10 acres. Planners will study rural clustering. *Michael Crescenzo, Deputy Dir. of Planning, (804) 730-6174.*

In Delaware ... Gov. Thomas R. Carper has proposed that \$40 million from the state's recently awarded escheat funds of \$220 million be earmarked for the state's farmland preservation program and that another \$40 million be earmarked for open space. The farmland preservation program, established in 1991 without funding for easements, has enrolled more than

15,000 acres in agricultural districts and has developed a strategic plan for farmland preservation, designating and mapping the state's most important farmlands. *Stewart McKenzie, (302) 739-4811.*

In Maryland ... A bill that would create exemptions in the state's real estate transfer tax (HB 10), was not reported out of committee at press time. SB6, the bill that would increase funding for the farmland preservation program by decreasing state transfer tax share to Program Open Space also had not been acted on.

In Vermont ... State legislators asked the Dept. of Agriculture to provide figures on how much farmland needed to be preserved in Vermont and how much longer easements would need to be purchased. The department presented information in terms of demand within the program and what other values are being protected, according to Kate Williard. As evidence of the broader effect of easement purchases, the department reported that Franklin County was seeing farm sales of non-preserved farms that were not being converted out of ag use, but were purchased for agricultural enterprises. *Williard, (802) 828-2504.*

In New York ... Budget cutting could impact the Department of Agriculture and Markets. The Environmental Protection Fund is being frozen at last year's levels, according to Jerry Cosgrove of the AFT New York field office. Planning grants to agriculture preservation boards could be affected. Funding for a study of the property tax and how it affects agricultural lands has also been frozen and new funds are not included in the governor's budget. Meanwhile, even with ag assessments, property taxes on farmland is too high, Cosgrove said, as much as 20 to 30 percent of income.

The AFT is working with New York City and the EPA on a watershed case study. The AFT will propose that agricultural conservation easements be used. *Cosgrove, (518) 581-0078.*

In Congress ... The House recently passed HR 1022, which would require federal agencies to weigh the benefits against the costs of proposed environmental, health and safety regulations when writing rules for implementation. The law would apply to any future rule for which compliance would cost \$25 million or more to businesses, states, localities or individuals. The bill is part of the Job Creation and Wage Enhancement Act. Also under the act is a provision to require federal agencies to compensate landowners when new regulations devalue property by 20 percent or more, passed March 3. The provision is part of a larger effort to curb environmental regulation that affects economic interests, and goes far beyond how courts have interpreted the Constitutional requirement of just compensation for the taking of private property.

Contract On America

Bills passed by House designed to cripple U.S. environmental laws

WASHINGTON, D.C. — The Job Creation and Wage Enhancement Act, (HR 925) part of the GOP "Contract With America," passed the House March 3 by a 277-148 vote. The bill would cripple dozens of environmental laws such as the Endangered Species Act by requiring federal agencies to compensate property owners when regulations reduce property value by 20 percent or more. A previous version of the bill required that compensation be triggered at 10 percent.

The new Senate Republican Regulatory Relief Task Force has targeted the Endangered Species Act as enemy number one of private enterprise and economic development. Many environmental organizations have long regarded the Endangered Species Act as the most important environmental law ever established because of its far-reaching influence into the area of land use.

On March 7 the Senate began hearings on legislation that would end new listings of plants and animals as endangered, as well as new designations of critical habitat. Other means of weakening the law include cutting the Fish and Wildlife Service's endangered-species budget.

In addition to the property rights provision contained in the Job Creation Act, a risk-assessment and cost-benefit analysis would be required of federal agencies before new regulations could be implemented.

The Natural Resources Defense Council (NRDC) said the Job Creation Act should be called "The Polluter Bill of Rights" because "it gives polluters and other special interests new and unprecedented powers to evade, veto or cripple environmental laws." NRDC said the new law would make it "virtually impossible for Congress to pass any new environmental laws."

While the Endangered Species Act (ESA) is under attack, Interior Secretary Bruce Babbitt is working to illustrate how the law can work in cooperation with corporate landowners, with examples from North Carolina, Montana and California. Also, Babbitt is working with the Department of Commerce to change the way the ESA is implemented, such as exempting from the law single-home parcels and tracts of less than five acres. Another change would give states more authority in what species are listed and how protection is implemented.

The administration's attempt at reforming the ESA is getting mixed reviews from the nation's top environmental groups. Some say regulatory relief must be mixed with incentives. The Environmental Defense Fund is calling for financial incentives for landowners to preserve habitat, including estate tax relief and a fund for easement purchases.

resources ...

Publications

Showcase of Sustainable Agriculture Information and Educational Materials

Sustainable Agriculture Publications
University of Vermont, \$4.95, 100 pp.

This booklet provides the latest listing of sustainable agriculture organizations and the publications they produce. To order, send check for \$4.95 to: Sustainable Agriculture Publications, 10 Hills Building, University of Vermont, Burlington, VT 05405-0082. Price includes postage and handling.

Farmland and the Tax Bill: The Cost of Community Services in Three Minnesota Cities

Land Stewardship Project/American Farmland Trust, \$10

The tax versus cost ratios reported in this study are similar to those conducted by the AFT in other states. The report summarizes the study that traced the flow of revenues and expenditures generated by specific land uses in three Minneapolis-St. Paul area communities. Available from LSP or the AFT. See address below under video.

Video

Houses in the Fields

Land Stewardship Project, \$25
27 minutes

A revised, 27-minute edition of this video produced by Blue Moon Productions has people talking about the environmental, social and economical effects of farmland lost to development. Also features folksinger John Gorka and poetry by Joe Paddock. Send \$25 to LSP, 14758 Ostlund Trail N., Marine, MN 55047, or call (612) 433-2770.

Conferences & Workshops

March 22, Washington, D.C.: *Alternatives to Sprawl*, sponsored by The Brookings Institution, the National Trust for Historic Preservation and Lincoln Institute of Land Policy. Speakers include Henry Richmond, Richard Moe, Andres Duany, Anthony Downs, Robert Burchell, Peter Calthorpe, Jerold Kayden, and David Burwell.

Topics: Causes and Effects of Sprawl; Transportation, A Key Ingredient; The Role of Design; Alternative Development Patterns; Political and Legal Issues. Cost: \$95. To register, contact: Joan Milan, (202) 797-6284.

March 24 - 25, New Brunswick, NJ: *Coalitions for Agriculture and the Environment in Urbanizing Areas, A Northeast Conference & Workshop*, to be held at the Cook College Center at Rutgers. Key topics and goals: Balancing a healthy environment while assuring an economically viable agriculture; improving communication and coordination in developing environmental regulations; educating public about agriculture's role in environment and economy. Reserve rooms at Ramada Inn, 1-800-688-4536 by March 8 at \$49 for conf. attendees. Conf. fee: \$15. Call (908) 932-9271 for brochure.

March 26 - 31, Santa Monica Mtns., CA: The Trust for Public Land will offer its *5th National Land Counselor Program*, an intensive week of training for land trusts in land acquisition techniques. Interactive workshops include project selection and design, negotiations, and tax aspects. Class size limited to representatives from 15 land trusts. Deadline for applications is Nov. 15. Write Heidi Hopkins, TPL, 116 New Montgomery St., San Francisco 94105.

March 27 - 29, Charlotte, NC: *Effective Zoning Administration Techniques*, a program coordinated by the Univ. of Wis., Madison, meets criteria for Continuing Education Credit (CEU). Includes session on ag lands preservation, LESA, nuisance protection, greenbelts, visual preference survey, etc. Fee: \$295. For information, contact Dept of Engineering Professional Development, (608) 263-4705. Program also offered in Madison, May 1-3 and Colorado Springs, June 5-7.

March 30 - April 1, York, PA: *First National Conference on Public Markets*, sponsored by The Center for Rural Pennsylvania. National policy leaders, market managers and producers will be speakers. Program will address all aspects and will feature trips to famous nearby markets including Lexington Market in Baltimore. One purpose of the conference is to initiate a national network of persons involved in public food market management. Contact the center at (717) 787-9555.

April 22-26, Minneapolis, MN: 10th Annual *Landscape Ecology Symposium* of the International Assn. of Landscape Ecology. Sponsored by the University of Minnesota and the Minnesota

Dept. of Natural Resources. "This symposium will critically examine landscape ecology as a means of addressing the ecological consequences of human activity." To receive a call for papers and/or registration materials contact Nancy Grubb, (612) 625-6358.

April 23 - 26, Wilkes-Barre, PA: Heritage Partnerships conference sponsored by Preservation Pennsylvania. Workshops include: Preserving the Rural Landscape; Implementing Innovative Land-Use Planning; Funding Sources for Heritage Programs; Sprawl- Its Impact on Community, and Developing Effective Land Use Legislation for Pennsylvania. On 24th, annual meeting of Preservation Pennsylvania. Cost: \$120. Contact Susan Shearer at (717) 569-2243.

May 4 - 5, Los Angeles, CA: "Putting Our Communities Back on Their Feet: The Next Step," sponsored by the Local Government Commission, a nonprofit, nonpartisan organization of local elected officials in western states. The conference will focus on land use issues of the west. The group held its first annual land use conference last year in San Francisco, with 700 attending. Workshop topics include: more livable pedestrian and transit-oriented communities; financing innovative projects; working with developers, businesses and citizens; linking land use, transportation and development. Tours, exhibits, and awards dinner. Call Michele Kelso at (916) 448-1198.

May 5, Albany, NY: *Assessing Land Affected by Conservation Easements*, sponsored by the Lincoln Institute of Land Policy and the Government Law Center at Albany Law School. For information call 1-800-LAND-USE, and choose option one.

June 21 - 24, Madison, WI: *Who Owns America? Land and Resource Tenure Issues in a Changing Environment*, sponsored by the Univ. of Wisconsin, Land Tenure Center, North America Program. Focus on issues related to the ownership, management and regulation of land and natural resources. Topics include tenure systems and resource productivity and sustainability, political equality, environmental justice, wealth and income distributions, minority and gender inequalities, land use regulation, etc. Proposals for papers, etc. or for organizing a session due by March 1. Call Lisa Williamson, (608) 262-3658. The Land Tenure Center is an institute for research and education on social structure, rural institutions, resource use and development, worldwide.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

MARYLAND

Transfer tax cut threatens farmland, open space programs

ANNAPOLIS, MD — While it still holds the nation's highest number of acres preserved, Maryland's farmland preservation program continues to struggle with limited funds since the state's fiscal crisis of 1991, and now could fall victim to efforts that would drastically reduce revenue from the state transfer tax, the primary source of funding for Maryland's Program Open Space and a vital portion of funding for farmland easements.

Legislation pushed by business and real estate interests would not only exempt first-time homebuyers from paying the transfer tax, but would increase from \$30,000 to \$50,000 the amount that is exempt from taxation for all homebuyers.

According to figures provided by the Maryland Department of Natural Resources, the effect would be a reduction in Program Open Space funds of

\$20.7 million, from an expected \$61.2 million in FY 1996 to \$40.5 million.

The program has been looking forward to a boost in 1997, when real estate transfer tax revenue no longer has to contribute to the general fund for debt retirement. In that year, the programs would receive \$71.9 million; but if transfer tax exemptions are established as proposed, that figure would be reduced to \$47.6 million, a loss of \$24.3 million.

For the farmland preservation program itself would come a certainty of continued dismal funding: An expected \$8 million allocation for FY '96 would be diminished to \$5.3 million; increases up to \$11.6 million by 2003, would diminish to \$7.7 million by 2003.

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MONTGOMERY COUNTY, MD AT A CROSSROADS

Economic development, advocacy advised for urban ag

ROCKVILLE, MD — A Montgomery County advisory panel appointed to study the county's agricultural future has found that its agriculture is threatened by its very nature: too small to be profitable, and driven by lifestyle choices rather than an actual ability to be economically sustainable.

A survey conducted by the committee indicates that despite farmland preservation efforts, Montgomery County agriculture is in trouble: 38 percent of the respondents did not earn a profit in any single year of the last five years from their agricultural operation. On average, respondents earned a net profit only 1.8 years from their agricultural operation in the past five years.

The survey, conducted in 1993-94, drew 469

responses from agricultural operators, as compared to 561 operators recognized in the 1992 U.S. Census of Agriculture.

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Counties can't favor farmland over open space funding

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Another bill targets Program Open Space

The farmland preservation program has been headed for death by starvation, according to one of its founders, who testified recently in favor of increasing the percentage of designated transfer tax funds to the struggling farmland program.

It sounds easy enough. But to do that, SB 6, introduced by Carroll County Sen. Larry Haines, would simply decrease the transfer tax revenue share for POS. The bill proposes to increase the farmland preservation share from 13.2 percent to 22.4 percent.

For many counties, that price is too high: big park land projects that require huge sums of POS money to complete, and backlogs of needed recreation facilities are too vital to jeopardize. County representatives were not lining up to testify in favor of the bill.

Harford County, which established its own installment purchase program for farmland easements in 1993 and endowed it with funds from a new local real estate transfer tax, strongly supports increased funding for farmland preservation, but not at the expense of Program Open Space, which recently helped the county secure a rare and valuable tract on its Chesapeake Bay shoreline. Robert N. Hockaday, director of government and community relations for Harford County, said the county would support the bill if funding were from a more acceptable source.

Other solutions sought

On one point everyone agrees: the farmland preservation program needs more money. One suggestion during a hearing on SB 6 was to divert the 2.6 percent share of the state transfer tax now dedicated to a fund for sensitive areas protection, a prospect no more attractive than taking funds from the general open space funding.

Another suggestion was to increase the state's agricultural transfer tax. But neither idea is on its way to amendment form. Delegate George Edwards, chairman of the House Oversight Committee on Program Open Space and Agricultural Land Preservation, said a no-new-tax mentality is present in Annapolis, but that work is underway to examine the possibility of additional bond funding for

farmland preservation. "I don't think SB 6 is going anywhere," Edwards said.

But if SB 6 doesn't pass, "we will be stuck at the \$5 million level for the next five years," said Bill Powel, program administrator for Carroll County. Powel points out that even with passage of SB 6 Program Open Space funds for local share projects in FY96 would still increase by 15.6 percent, from \$19.8 million in FY95 to \$22.9 million in FY96. Without SB 6, the FY96 funding would be \$25.8 million, a difference of just under \$3 million.

Funded with close to \$18 million by the late 1980's, the Maryland program has been limping along since the state's fiscal crisis in 1991, when its funding was plundered, leaving it with just \$5 to \$7 million per year, some of it from bond issue.

The funding shortage has become a constant sore point among administrators as well as the people the program serves. In many counties, landowners are obliged to apply to the program as many as six times before receiving an offer. Yet administrators feel such persistence is a measure of the program's durability and acceptance among the state's farmers.

Harford County program swamped

One measure of support for preservation is the number of applications swamping the new installment purchase program in Harford County, among the nation's fastest growing counties. Encouraged by its dedicated funding source, and the element of tax-free annual payments with principal paid in 20 years, farmers have deluged the program with applications — 110 in just 14 months, since the program began operating in Nov. 1993.

And, Harford applicants are not confining themselves to the county program: most are also applying to the state as a backup measure, said program administrator Mike Paone. In addition to the \$2 million earmarked for its installment purchase program, which has a fallback clause for farmers who want to request lump sum payments, Harford County provided \$300,000 in matching funds to the state program each cycle, assuring a greater number of offers from the state than most other counties, four in each of the last two cycles. In

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Selected Md. Metro-area counties, state and local programs

County	Type of program	Year created	# Apps. Jan 95	Funding sources	Amt funds/year	Acres preserved
Harford	state	—	95	ag tr tax gen. fund	\$600,000	10,100
	local	installment purchase	1992	local trans. tax	\$2 million	
Frederick	state	—	9-11	ag tr tax	\$25,000	8,498
	local	option purchase	1993	gen. fund	\$250,000	
Howard	state	—	n/a	n/a	n/a	16,333
	local	installment purchase	1988	bonds	\$3 million	
Baltimore	state	—	31	ag tr tax bonds	\$516,000	10,610
	local	unfunded	1994	n/a	n/a	
Carroll	state	—	24	ag tr tax	\$800,000	21,766
	local	option purchase	1990	gen fund	n/a	
Montgomery	state	—	1	ag tr tax	\$350,000 + 10% bonus	6,197
	local	lump sum purchase	1990	bonds (beginning FY96)	FY96: \$200,000	

* Most applications submitted to both state and Harford County programs. Information from interviews conducted by Farmland Preservation Report Feb. 1995.

the last two years, Harford has preserved more acreage than any other county in the state, Paone said. Through both the state and local programs, Harford has now preserved over 10,000 acres.

Determined not to let state funding shortfalls damage farmland preservation efforts in the midst of a continual development boom, Harford County has in effect made the state program supplemental to its own. Except for Howard County, where installment purchases began in 1988, Harford's level of commitment is the exception in the state. Other counties have not been as progressive in the fiscal/political arena.

Commitment varies among counties

Baltimore County established its own program last year, but has not funded it. Nineteen farmers there applied to sell easements in the state program's last cycle, ending Jan. 1. Administrator Wally Lippincott has 29 applications in hand. Under funding limitations, counties must prioritize

and forward only half.

In Montgomery County, activity in the state program has been nil to none, preserving just 1,678 acres, with the county program doing better: 4,519 acres preserved since begun in 1990. The county's farmland preservation efforts have been overshadowed by its transferrable development rights program, which has preserved 32,225 acres but with some development potential retained.

Montgomery was hit hard during the recession, said program administrator Jeremy Criss. But beginning July 1, the county will begin filling the gaps with \$200,000, followed in FY '97 with \$500,000, and continued at that level through 2001, Criss said. The funding, through general obligation bonds, will be used for the county's own program.

Howard County has been purchasing easements exclusively through its own installment purchase program since 1988 when it became the first locality in the nation to establish the financing

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Some Md. counties responding to state program shortfall

continued from page 3

method. As of Nov. 1994, it had preserved 14,891 acres, and has another 1,443 acres approved for easement purchase.

But because of a downturn in local transfer tax revenues, Howard County will be pulling back its program, having used up its authorized bond monies of about \$56 million, according to planning director Joseph Rutter. "We're only going to do one or two more batches ... unless there's an increase in the transfer tax [revenue]," he said. Each "batch" generally pulls in five or so applicants, Rutter said. "It's been a good program and we'll look at other ways to supplement it." Howard and Harford Counties are the only Maryland counties using installment-purchase.

Both Carroll and Frederick Counties have also responded to the state's shortfall by creating option-purchase programs, which they call Critical Farms programs. The county purchases 75 percent of an appraised easement, holding an option to complete the purchase unless the state can make an offer for the entire easement. Carroll County continues to lead the state in easement acreage, now at 21,766 acres, and interest in the state program among farmers remains among the state's highest, with 24 in hand from Jan. 1.

The Critical Farms program idea began in Carroll County as a way to make emergency purchases, but Frederick County is using the method as a local program forerunner, and has made two purchases so far. Program administrator Tim Blaser said purchasing options is more cost effective than providing matching funds to the state easement program. The county put \$250,000 into its Critical Farms program in 1994, and has no plans for expanding its program. "There's nothing to preclude starting our own program, but at this point it isn't the way to stretch our dollars," Blaser said. Frederick County receives about two offers from the state program each cycle.

Outside the state's rapid growth area, other counties bide their time with the state program. In Washington County, just west of the state's metro-

etcetera ...

Wagner, Freedgood promoted at American Farmland Trust

Washington, D.C. — The American Farmland Trust has promoted two of its long-time employees to newly created positions, and has hired a new director of administration and finance.

Robert C. Wagner, director of AFT's Northeastern Office since 1985, will now oversee all the organization's activities at the state and local levels, serving as director of state and local programs. At the Northeastern Office in Northampton, Massachusetts, Wagner directed farmland protection strategy for the 10-state region, developing policy and implementing public outreach and land protection projects.

Wagner organized annual meetings for state and local administrators of farmland preservation programs held for several years at the Eddy Farm Resort, near Port Jervis, N.Y.

Julia Freedgood, serving in the Northeastern Office since 1989 as public education specialist, will now serve as director of technical education and outreach, responsible for developing a national technical education and outreach program. Freedgood was principal author and researcher for the fiscal study, *Does Farmland Protection Pay?* showing the benefits of retaining farmland in three Massachusetts towns. She also served as producer of the documentary *Farmland Forever*, which made its debut at the Land Trust Alliance conference in New Hampshire in 1992.

Sharon H. Phenneger, a CPA, has been hired to oversee AFT's administrative and financial functions.

Citizen-based planning spurs vision for Delaware

Dover, DE — Current development patterns in Delaware are "not acceptable" according to citizens who participated in a recent visioning process sponsored by the Cabinet Committee for Statewide Planning, appointed by the governor last year.

New growth should be encouraged in and around current urban centers to preserve agriculture and open space. Finding a balance between economic growth and environmental goals such as

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providing affordable housing near employment sites were discussed as key issues.

The vision process is being used as a springboard for long-range planning as each county is in the process of updating its comprehensive plan. Further public meetings will examine the broad goals discussed in the visioning sessions.

While Delaware has shied away from creating an agency to assist localities in planning, the Cabinet Committee for Statewide Planning and a state planning coordinator have been working to create common goals and to coordinate the work of state agencies that will affect those goals. *Contact: Dave Hugg, state planning coordinator, (302) 739-3090.*

American Farmland Trust to push for Farms for the Future funding

Washington, D.C. — The American Farmland Trust plans to push for \$100 million in funding for the Farms for the Future Act (FFA) during the upcoming reauthorization of the farm bill.

The FFA, which provides loan guarantee and interest subsidies to states with farmland preservation programs, was passed in the 1990 farm bill, but has been funded at only \$3 million per year since 1992. So far the program has operated only as a pilot, with funds going only to Vermont, home to the bill's sponsor, Sen. Patrick Leahy.

"Our immediate challenge is to elevate the visibility of farmland protection in Congress by demonstrating broad bipartisan interest among state and local officials, agricultural and conservation leaders," said Edward Thompson Jr. and Robert Wagner of the AFT in a letter to potential lobbyists. The goal of \$100 million for FFA is a fraction of a percent of federal farm spending that "would double the capacity of states and localities to offer farmers a voluntary, compensated alternative to selling their land out of agriculture," the letter stated.

Specifically, the AFT says, Congress should make farmland protection a priority in the farm bill and change the FFA from a loan guarantee and interest subsidy program to a matching grants or cost-share program.

The AFT has organized an FFA support rally on March 8 which will be a lobbying day for invited FFA supporters making individual and group visits to their Congressional representatives. *Contact: AFT, (202) 659-5170.*

Maryland, from preceding page

politan core, 10 farmers applied in the last state program cycle ending Jan. 1. Only one easement was purchased in each of the prior two cycles, in which eight and fifteen farmers applied, respectively, according to Eric Siefarth.

"We keep processing applications, but there's no money ... we're buying one [easement] per cycle. We've turned away as many as 17 in one cycle," Siefarth said. Washington County has preserved 3,900 acres and has 22,000 acres in districts. Washington County's matching funds equalled its portion of the agricultural transfer tax — just \$40,000 — but that has its bright side, Siefarth said. It means farmland conversion there is slow.

Penn., NJ, outspend Maryland four to one

Just the same, the window of opportunity may be having a losing streak. Unless Maryland legislators find a way to boost their farmland preservation program, it will surely lose its image as the nation's example. Both Pennsylvania and New Jersey, with programs created a decade after Maryland's, have been outspending Maryland's program by roughly 4 to 1, with both states having from \$17-\$20 million to spend annually.

Compared to Maryland, both Pennsylvania and New Jersey are heavily fortified in regard to available funds: New Jersey with bond issues of \$50 million three times since 1981, and Pennsylvania with a dedicated portion of a cigarette tax that brings in \$22 million to its program each year.

At its current rate of about 10,000 acres preserved per year, Pennsylvania, which began purchasing easements a full decade after Maryland, could catch up to Maryland's preserved acreage in just four to six years. Pennsylvania's preserved acreage as of Jan. 1, including recently approved easements, stood at 60,705 acres.

New Jersey, which has a current average per-acre cost double that of Pennsylvania and roughly three times higher than Maryland, began purchasing easements in 1983 and now has preserved about 29,000 acres.

Pennsylvania and New Jersey have the most active of six funded and operating programs in the nation, including those in Vermont, Connecticut, Massachusetts and Maryland. States with unfunded programs are Rhode Island, Delaware and Kentucky.

MONTGOMERY CO., MD.

Farm operations need advocacy, help with economics, regulations

continued from page 5

The survey further found that only 17 percent of operators earned a profit every year, indicating that 83 percent operated at a loss in one or more of the past five years. Of those never earning a profit, 23 percent are primary operators (those who consider agriculture their primary occupation) and 77 percent are non-primary operators. Forty-one percent said the size of their operation was too small to be profitable.

Despite the survey results, suburban agriculture is generating significant gross sales beyond what traditional agriculture generated. But the committee believes this type of agriculture is on shaky ground, that marginally profitable operations will eventually fold, that regulatory constraints and lower federal farm program support levels will take their toll on the remaining larger farms. Even the horticultural industry boom, in large part responsible for the county retaining significant agricultural sales, could be short-term, the report states, because as the county reaches build-out, the number of single family homes needing complete landscaping will diminish.

Despite land protection efforts that created a 90,000-acre agricultural reserve where more than half of those acres are permanently protected, the committee noted that traditional agriculture is very close to disappearing from the county. The county's dairy farms are vanishing — from 118 in 1969 to 15 now in operation.

And, all farms are getting smaller: the county's average farm size of 150 acres, the report notes, "is obscured by the fact that half of all farms are under 50 acres." Recreational horse operations catering to the desires of suburbanites are replacing traditional farms.

But the Agricultural Advisory Committee said in its report released this month that although "the picture is grim...it is far from hopeless" and that the county must embrace the change and forge a strong economic development program that will assure that agriculture able to serve the population will survive its own birth.

The committee concluded that "survival of agriculture will be influenced substantially - perhaps decisively - by the cumulative effects of government regulations and attitudes." Regulations to protect the environment are the most pervasive and burdensome, the report indicated.

The committee advised creation of a full-time "agriculture preservation advocate" to help and represent farmers, especially

please continue to next page

legislative and program briefs ...

In Washington ... Of the 29 counties and 209 cities now planning under the state Growth Management Act, 86% have protected critical areas through local ordinances; 89% have designated resource lands, including farmland; 86% have adopted county-wide planning policies; 84% have defined interim urban growth areas. The GMA, passed in 1990, requires that participating counties, some of which are required to comply under the act, "assure the conservation of agricultural, forest and mineral resource lands" ... that the use of land adjacent to resource lands "shall not interfere" with their accustomed use. The state has spent \$35 million helping localities implement the GMA, and localities together have spent twice that much.

In Maryland ... Kent County is attempting to revise its agricultural zoning, which now allows one building right per 10, 20 or 30 acres, depending on design, by backing up to just a 30-acre zone, with a maximum allowable area, such as 15 to 20 percent, for development. A rural character zone that would allow one building right per 20 acres with a minimum building area percentage is also being considered. The new plan will also include a transferable development rights element, according to planner Gail Owings. The plan's acceptability to farmers is in question.

A bill that would return the state farmland preservation program to a one-cycle schedule is being considered in the legislature.

In Calvert County, 530 development rights were transferred in the county's TDR program in 1994, with the county itself purchasing/retiring 100 of those for its TDR bank. Also, mandatory clustering was adopted for the county's rural areas. "In the last two years we have turned the tide on developed land vs. preserved land," said farmland preservation administrator Greg Bowen. The county's efforts began with a planning charette in 1992 when residents were asked what they wanted Calvert County to look like in 20 years, Bowen said. The county has preserved just over 9,000 acres in its easement program.

A House committee is examining the possibilities for bond financing for the farmland preservation program and other alternatives to increase program funds. (See lead story for other Maryland news.)

In New Jersey ... State farmland preservation officials are gearing up for another round of bond

funding requests to the state legislature. This will be the fourth bond issue for the program, which has culled a total of \$150 million in bonds since 1981. With a new fiscal outlook in the state capital, the program could be in for a struggle to be placed on the ballot this year, according to executive director Don Applegate.

The program is about to close on 47 farms, comprising 6,500 acres, bringing the total preserved acreage in the state to 29,000. Applegate notes that the state's average per-acre cost has dropped in the last year by between 40 and 50 percent, from a high of \$5,500.

In California ... SB 275, introduced by Sen. Jim Costa, D-Fresno, would establish the California Agricultural Conservation Easement Program, however, no funding source is specified in the bill. The American Farmland Trust will co-sponsor the bill with the Ca. Planning and Conservation League, according to Erik Vink of the AFT.

A Williamson Act advisory board is to be appointed by the governor to examine issues.

A bill passed two years ago to create a statewide Land Evaluation and Site Assessment (LESA) program has now been funded. Although localities are not required to use it, the Department of Conservation will produce a model by the end of the year, according to Chuck Tyson.

The California Farm Bureau Federation, Sierra Club and Tuolumne County won a judgement in the county's superior court against developers who proposed to build condominiums on land protected under the Williamson Act. The award of more than \$22,000 in legal fees is viewed by the bureau as the final victory in the case and as a strong signal to county governments and developers regarding the strength of the Williamson Act.

In Pennsylvania ... Senate Bills 1, 11, and 12 are the recently reintroduced bills designed to encourage cleanup and reuse of existing commercial and industrial sites. The bills were approved overwhelmingly last year in the Senate and are supported by new Gov. Tom Ridge.

In Congress ... Debate on the 1995 farm bill began with Sen. Richard Lugar, R-Indiana, chairman of the Senate Agriculture Committee, asking whether farm programs are keeping more family farmers on the land, how programs affect land values and resource conservation, and whether set-aside programs make sense.

Commodity programs are in jeopardy, according to the Center for Rural Affairs, in Nebraska, because Congress has yet to address these issues.

Farm programs, the Center says, should reward, not penalize resource stewardship. "Rules that penalize crop rotation must go. The program should compensate farmers for reducing production in ways that benefit the environment.

Montgomery County, from preceding page

with regulatory concerns. The advocate would "actively intervene on behalf of the agricultural operators, propose legislation or changes to existing legislation, and advise the agricultural community." The report cites the county's existing Office of Economic Development as the most appropriate agency for the new position.

Economic development should include, the report states, assisting farmers in obtaining capital for investment in their operations. Cost-sharing to implement Best Management Practices is an idea presented, but the advisory committee emphasized that the county government should "get out of the way" of innovation in production, marketing, and raising capital.

The report recommends establishing agricultural enterprise pilot projects that would provide technical assistance for innovative products or practices that could extend to economic assistance on a cost-share basis and a "scale-up" process if the pilot is successful. Creation of a task force to identify new types of agriculture or related businesses is also advised.

The push to make agriculture a truly viable industry that can sustain itself is a natural concern following the county's 1980 mandate that more than one-third of its land mass be restricted to agricultural use.

Montgomery County is nationally renowned for its farmland preservation efforts in the transfer and purchase of development rights within its agricultural reserve. Montgomery's success is particularly noteworthy because as a major suburb to Washington, D.C. it holds a population of 782,000. The entire county contains 316,800 acres.

Combining TDR with the state and county easement programs as well as easements donated to the Maryland Environmental Trust in the 1960's, the county now permanently protects 40,301 acres, 57.5 percent of the 70,000 acres of farmland contained in the reserve. Land not protected under easement and land with retired development potential under TDR, still possesses one building right per 25 acres. Most of the county's preserved acreage is preserved through TDR, with only 6,197 acres protected under conservation easement.

The county's goal is to preserve the entire 70,000 farmland acres in the reserve. If current development trends continue, with adequate TDR activity in receiving areas, the committee predicts that will occur in the year 2005.

The 99-page report, "Future of Agriculture Study for Montgomery County, Md.," released Feb. 1995, is available from the Montgomery County Agricultural Advisory Committee, (301) 217-2345. Contact: Jeremy Criss.

resources ...

Publications

• Sustaining Agriculture: A Handbook for Local Action

Prepared by Deb Brighton and Jim Northup
Vermont Department of Agriculture, Food and Markets • \$10

The Department of Agriculture had this 139-page bound manual prepared for municipalities undertaking farmland planning. It is "written for the non-professional, volunteer planners who sit on the majority of Vermont's town planning commissions," said Amy Jestes Llewellyn, agricultural land use planner for Vermont.

"The goal of this manual is to provide technical planning information with an emphasis on incentive-based non-regulatory approaches and involving farmers in the planning process," Llewellyn said.

The manual covers the principles of sustaining agriculture, the nature of agriculture in Vermont, fee simple acquisition, the purchase and transfer of development rights, agricultural zoning and districts, Act 250, public involvement and community organizing, strengthening the economics of agriculture, farmland and property taxes, fitting agriculture into town planning, inventorying agriculture and a bibliography.

The handbook is attractive and easy to read and should be helpful to farmland protection efforts at the local level. Send check payable to Vermont Dept of Agriculture, Food and Markets to 116 State St., Drawer 20, Montpelier, VT 05620. Contact: Llewellyn, (802) 828-2500.

• Intermunicipal Cooperation in Land Use Planning

By Patricia Salkin, Esq.

1995 • Albany Law School Government Law Center
This 4-page technical memorandum was written to educate elected and appointed officials in New York about changes in the law regarding land use planning and zoning and opportunities for reforming New York's land use laws. It discusses state statutes that make it possible for voluntary cooperative efforts in land use. The paper is free. Call GLC at 518-445-2329.

Conferences & Workshops

March 9 - 10, Washington, D.C.: *Agriculture and the Environment: Issues and Options for the 1995*

Farm Bill, organized by the Soil and Water Conservation Society. Topics: the current environmental, agricultural, and political settings for policymaking; an overview of what has been accomplished with conservation policies; opportunities for streamlining and integrating programs emphasizing innovative state and local experiences; policy considerations for the 1995 farm bill given the setting and past experiences. Call 1-800-THE-SOIL.

March 22, Washington, D.C.: *Alternatives to Sprawl*, sponsored by The Brookings Institution, the National Trust for Historic Preservation and Lincoln Institute of Land Policy. Speakers include Henry Richmond, Richard Moe, Andres Duany, Anthony Downs, Robert Burchell, Peter Calthorpe, Jerold Kayden, and David Burwell. Topics: Causes and Effects of Sprawl; Transportation, A Key Ingredient; The Role of Design; Alternative Development Patterns; Political and Legal Issues. Cost: \$95. To register, contact: Joan Milan, (202) 797-6284.

March 24 - 25, New Brunswick, NJ: *Coalitions for Agriculture and the Environment in Urbanizing Areas, A Northeast Conference & Workshop*, to be held at the Cook College Center at Rutgers. Key topics and goals: Balancing a healthy environment while assuring an economically viable agriculture; improving communication and coordination in developing environmental regulations; educating public about agriculture's role in environment and economy. Reserve rooms at Ramada Inn, 1-800-688-4536 by March 8 at \$49 for conf. attendees. Conf. fee: \$15. Call (908) 932-9271 for brochure.

March 26 - 31, Santa Monica Mtns., CA: The Trust for Public Land will offer its *5th National Land Counselor Program*, an intensive week of training for land trusts in land acquisition techniques. Interactive workshops include project selection and design, negotiations, and tax aspects. Class size limited to representatives from 15 land trusts. Deadline for applications is Nov. 15. Write Heidi Hopkins, TPL, 116 New Montgomery St., San Francisco 94105.

March 30 - April 1, York, PA: *First National Conference on Public Markets*, sponsored by The Center for Rural Pennsylvania. National policy leaders, market managers and producers will be speakers. Program will address all aspects and will feature trips to famous nearby markets including Lexington Market in Baltimore. One purpose of the conference is to initiate a national network of

persons involved in public food market management. Contact the center at (717) 787-9555.

April 22-26, Minneapolis, MN: *10th Annual Landscape Ecology Symposium* of the International Assn. of Landscape Ecology. Sponsored by the University of Minnesota and the Minnesota Dept. of Natural Resources. "This symposium will critically examine landscape ecology as a means of addressing the ecological consequences of human activity." To receive a call for papers and/or registration materials call (612) 625-6358.

April 23 - 26, Wilkes-Barre, PA: Heritage Partnerships conference sponsored by Preservation Pennsylvania. Workshops include: Preserving the Rural Landscape; Implementing Innovative Land-Use Planning; Funding Sources for Heritage Programs; Sprawl- Its Impact on Community, and Developing Effective Land Use Legislation for Pennsylvania. On 24th, annual meeting of Preservation Pennsylvania. Cost: \$120. Contact Susan Shearer at (717) 569-2243.

May 4 - 5, Los Angeles, CA: *"Putting Our Communities Back on Their Feet: The Next Step,"* sponsored by the Local Government Commission, a nonprofit, nonpartisan organization of local elected officials in western states. The conference will focus on land use issues of the west. The group held its first annual land use conference last year in San Francisco, with 700 attending. Workshop topics include: more livable pedestrian and transit-oriented communities; financing innovative projects; working with developers, businesses and citizens; linking land use, transportation and development. Tours, exhibits, and awards dinner. Call at (916) 448-1198.

May 5, Albany, NY: *Assessing Land Affected by Conservation Easements*, sponsored by the Lincoln Institute of Land Policy and the Government Law Center at Albany Law School. For information call 1-800-LAND-USE. Choose option one.

June 21 - 24, Madison, WI: *Who Owns America? Land and Resource Tenure Issues in a Changing Environment*, sponsored by the Univ. of Wisconsin, Land Tenure Center, North America Program. Focus on issues related to the ownership, management and regulation of land and natural resources. Topics include tenure systems and resource productivity and sustainability, political equality, environmental justice, wealth and income distributions, minority and gender inequalities, land use regulation, etc. Call (608) 262-3658.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Political shift could spell opportunity for green incentives

WASHINGTON, D.C. —The 104th Congress, packed with Republicans waging war on regulation, may be just what the doctor ordered for the environmental movement, according to some environmental leaders who hope the renewed threat to natural resources will spur renewed support from rank and file environmentalists.

While some fear a Reagan-era style wholesale shift in conservation policy, others say if Congress is bent on slashing government costs, then subsidies to environmentally destructive industries could be as legitimate a target as any.

There may indeed be opportunity in the great political shift, according to Ed Thompson Jr., director of federal policy for the American Farmland Trust. The AFT's agenda is actually a good match for that of the new Congress, Thompson said in a

recent interview.

"The pot's been stirred, that's for sure. But

AFT calls for changes to Farms for Future Act, p. 4

further reform in the area we're talking about depends on the pot being stirred," he said, referring to the AFT's push for "green incentives," subsidies for environmentally sound agricultural practices rather than commodities.

"We've been saying even before the election, if these cuts are coming, it would make sense for agriculture to see if we can get some of that money reinvested in conservation, rather than continue to pour it into programs from the New Deal." Thompson said that farmers and their representatives in Congress have long touted the voluntary incentive approach to protecting

SPRAWL SUMMIT

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Superstore fight may spur national anti-sprawl movement

BOSTON, MA — The proliferation of Wal-Mart stores, and proposals for many more, brought more than 100 people to Boston last month to exchange ideas on how to stop superstores from building mall-size developments out of character with their towns. And they came for advice on how to stop superstores from threatening the livelihood of small, often family-owned shops that a "back to Main Street" movement has come to covet.

Sponsored by the National Trust for Historic Preservation and the Conservation Law Foundation, New England's top environmental watchdog group, the conference provided a forum on the topic of sprawl, which has quickly become a major part of the National Trust's agenda to protect "historic environments."

Dozens of people representing citizens groups that have organized to fight Wal-Mart proposals in or near their towns, experienced their first moral support outside their own circles. They also picked up timely tips on how to organize and

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Sprawl foes exchange war stories, ideas for national effort

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prepare for legal battles.

"There's nothing wrong with 'not in my back yard,' when what they're proposing is to destroy it," Douglas Foy, executive director of the Conservation Law Foundation told the audience. Foy said that opposition to superstores and the movement to curb sprawl in general needed to join together, because "the solutions have to come from us. These are community-based problems."

Makings of a national movement cited

Foy said he felt a national movement could be built from the momentum that was developing from the superstore fight, a call that was echoed by National Trust president Richard Moe.

"This is a coming of age in this movement to fight sprawl. At this conference we hope to reach a consensus in where to go as a national movement," Moe told an eager audience.

Moe traced the Trust's interest in land use to the creation of its Main Street restoration program, now in its 16th year. The growing interest in sprawl as a historic preservation issue culminated last year when, in Moe's first year as president, the Trust designated the state of Vermont as the nation's most endangered place.

Moe said many well-known historic places are threatened by superstore proliferation and the sprawl they generate, naming Lancaster County, Pa. as an endangered place of national historic, cultural and agricultural importance. Four proposed Wal-Marts in Lancaster County pose "a threat almost unprecedented in any community in the country," one that "signifies an escalation in this battle," Moe said.

Wal-Mart officials say they currently have 2,504 stores nationwide and plan to add 125 more in 1995.

Lack of involvement in planning

Moe said lack of experience of grassroots activities and lack of preparedness on the part of local governments are making things easy for Wal-Mart and other superstore corporations. In addition, superficial media coverage that skips over the complex environmental and socioeconomic effects of superstores, adds to the difficulty of fighting

Study showed impact of Wal-Mart

The only known scientifically valid and completed study of the impact of Wal-Mart stores on outlying rural communities was conducted by Kenneth E. Stone in 1991 at the University of Iowa. Stone found that after four years of a Wal-Mart opening, towns within a 20-mile radius had cumulative net sales reductions of 23.5 percent while the same size towns much further away had sales reductions of 10.8 percent.

Types of stores that struggled to compete with new Wal-Marts included general merchandise stores, drug stores, sporting goods stores, card and gift shops, fabric stores, jewelry stores, hardware stores, low-end apparel stores, food stores, lumber yards and paint and glass stores. Another study notes that "in rural communities many different types of stores carry a cross section of at least some of the 70,000-plus items" Wal-Mart carries, putting many, if not most of rural area retailers in direct competition with Wal-Mart.*

* testimony prepared on behalf of the Franklin/Grand Isle Regional Planning Commission by Shanna Ratner, Principal, Yellow Wood Associates, Inc., St. Albans, Vt. (802) 524-6141.

them, Moe said.

"The real work has to be done at the local level," Moe said, where activists should dive into "the nitty-gritty, not so glamorous work" of planning and zoning. This "front end" work, he said, was necessary because "the best defense is clearly a good offense."

"It's clear this battle is going to be a long one, but it is worth fighting. This is about how we live," Moe said, outlining a set of principles activists should advocate: that new development fit in with existing character of a place; that superstores locate in existing commercial areas and leave room for small businesses, strengthening the economic vitality of downtowns, not destroying it; that new development be accessible to all transportation types, including pedestrians; and, that trees and vistas be preserved.

Further studies needed for legislative initiatives

Edward Shils, a Wharton School professor of entrepreneurial studies, said he is conducting a study that will show the effects of mega-stores on localities. Shils sent out 7,000 questionnaires to small businesses, with a 12 percent return.

But while Shils is completing his study, communities opposing Wal-Marts on economic grounds

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*NEW AG SECRETARY***Glickman: high marks on conservation**

WASHINGTON, D.C. — Dan Glickman, a Congressman from Kansas who lost his seat in the past election, has been chosen to replace Agriculture Secretary Mike Espy, who resigned at the end of December after alleged ethics violations.

Glickman, first elected in 1976, served on the House agriculture committee, serving as chairman of the Subcommittee on General Commodities and as a member of the Subcommittee on Department Operations and Nutrition. Glickman is a recognized leader in food safety and food labeling issues.

Although farmland protection interests urged the appointment of Deputy Secretary of Agriculture and conservation advocate Rich Rominger to fill Espy's position, Glickman has received generally good ratings from conservationists.

Last year the League of Conservation Voters (LCV), a national non-partisan organization that works to elect pro-environment candidates to Congress, gave Glickman a good approval rating for his votes on a range of environmental issues. Glickman voted "correctly" on reform of grazing on public lands, timber sales in national forests, protecting the Everglades ecosystem and protecting wildlife habitat.

The LCV gave Glickman credit for not being one of 106 co-sponsors of the Private Property Rights Act (H.R. 561) which would write into law the Reagan executive order giving the attorney general authority to veto regulations declared to result in a taking.

The LCV also credited Glickman for not being among 130 co-sponsors of H.R. 1330, which would weaken provisions of the Clean Water Act designed to protect wetlands. With 100 possible points, Glickman received a score of 75. Glickman lost points for his positions on preserving the California Desert and the Arctic Wilderness.

Glickman is a good choice for conservation interests, according to Chuck Hassebrook, policy analyst for the Center on Rural Affairs, a family farming and sustainable agriculture advocacy group.

"I'm very encouraged by the choice ... he could be quite good actually. He's been one of the more environmentally responsive members [of the agriculture committee], focusing on family farms." Hassebrook said Glickman supported initiatives to remove commodity payment penalties for crop rotation and has been generally supportive of sustainable agriculture initiatives. Hassebrook co-authored a recent report on how farm subsidies benefit corporate agriculture while not helping moderate or family-sized farms.

Although disappointed that Rominger, a former American Farmland Trust board member, was not selected, AFT spokesman Gary Kozel praised Glickman for being progressive and supportive of conservation efforts. Rominger will remain as deputy secretary.

Glickman was a key player in the development of the last four farm bills and is expected to take an active role in the 1995 reauthorization.

Center for Rural Affairs: (402) 846-5428.

legislative and program briefs ...

In California ... A report will be released in April by the American Farmland Trust about growth in the Central Valley, where the population is expected to triple in 45 years. The study, which will show several growth scenarios across 11 counties, is being prepared by an Oakland economist in conjunction with UC-Berkeley's Department of Urban and Regional Development ... The legislature may take some action on AFT's recommendations for a statewide conservation easement program.

The Delta Protection Commission, which created a strategy to protect the San Joaquin Delta and Sacramento River watershed, will adopt a plan following public hearings this month.

In Maryland ... The Md. Agricultural Land Preservation Foundation has submitted legislation to revert to a one-cycle program. The bill would give the Foundation prerogative to use two cycles if funding increases enough to warrant it. Last January, local program administrators urged a reversion to one cycle and a review of processing requirements to seek ways to shorten the time between easement application and settlement.

Carroll County Senator Larry Haines introduced on Jan. 11 **S.B. 6**, which seeks to **increase funding for farmland preservation** by allocating a larger percentage of the available state transfer tax, and effectively decreasing the percentage allocated to Program Open Space. Beginning July 1, 1995, under current law, 90 percent of the state transfer tax revenue (with 10 percent to the state general fund) is to be divided between the three designated programs: 84.2 percent to Program Open Space; 13.2 percent to Agricultural Land Preservation Fund; and 2.6 percent to the state Heritage Conservation Fund. Under S.B. 6 those percentages would be 75 percent; **22.4 percent**; and 2.6 percent, respectively, with farmland preservation receiving a **9.2 percent increase** and Program Open Space losing the same. Current budget projections show the Agricultural Preservation Fund receiving \$6 million more than under current law, with the increase effectively rebuilding the program's level of funding to about \$15 million, nearer its 1989 level. The bill was assigned to the Budget and Taxation Committee.

The program received 195 easement sale applications in FY 95 cycle two, ending Jan. 1. In the last cycle, ending July 1, it received 225

Green incentive approach may be good fit for new Congress

continued from page 1

resources, and that now "it's time to ante-up. If Congress is inclined to cut back, now is the time to reinvest it in agriculture."

Thompson said the AFT has been working with governors, particularly from states with farmland protection programs, to build support for green incentives and the Farms for the Future Act (FFA). The strategy is beginning to work: recently the National Governors' Association adopted a platform that advocates funding the FFA. Fostering a conservation and farmland protection groundswell at the state level, Thompson said, also reflects the new mood in Congress to shift more responsibility to the states.

Further responding to that trend, the AFT will advocate block grants for agriculture programs, with the reasoning that current programs don't meet the needs of certain states. The Conservation Reserve Program (CRP), for example, addresses soil erosion and wildlife habitat in the Great Plains, while the need to protect riparian water quality and strategic farmland in other states goes unmet, Thompson said. "Block grants could help distribute money to specific problems."

The National Association of State Departments of Agriculture (NASDA) is also proposing a block grant program, although for conservation of a different resource. NASDA's farm bill proposal calls for a Rural Development Block Grant Program that would match local community funds to buy down interest on loans from local lending institutions for value-added agriculture. NASDA and other groups will be joining the AFT in a call for an incentive-driven approach to environmental protection and land stewardship.

Talk in Congress to bury entitlements also plays well with the move for green incentives, Thompson said, because "commodity programs are entitlements." As the push for green incentives and the push to slash entitlements meet head on in Farm Bill talks, something is bound to happen that is

etcetera ...

Delaware program has eye on state's escheat funds

Dover, Del. — The state of Delaware is set to receive a \$220 million check after settling a decade-long case with New York and 47 other states over abandoned securities and money known as escheat funds. The settlement will also result in \$35 million annually for at least 10 years.

The long-awaited deal wasn't lost on the state department of agriculture's Ag Lands Preservation Section, which has been preparing its strategic plan and presenting it to the public in three recent well-attended — and very timely — meetings. The program gained considerable public support through the meetings, and plenty of media coverage to boot. Officials believe they are in a good position to make a case for using some of the escheat proceeds to fund the farmland preservation program.

The *Delaware News-Journal* caught on to the idea and shortly after the escheat settlement was announced by Gov. Thomas Carper, urged the legislature in a Jan. 11 editorial to designate some of the escheat funds to the farmland preservation program. Many farmers, including those who have already enrolled their properties in agricultural districts, are backing the idea.

"We were literally peaking at the right time," said Stewart McKenzie. *McKenzie, (302) 739-4811.*

AFT: Central Valley "new towns" spell trouble

Washington, D.C. — The American Farmland Trust recently called for conditions to be imposed on new development in California's Central Valley, in particular, current proposals it describes as "new towns." in a 40-page report released Jan. 11.

Eighteen plans for mixed-use development isolated from existing communities, and developments proposed for 300 or more acres that would more than double the size of a small community, are "the first wave of continuous suburbia" according to urban planners in the Central Valley, California's most vital and, according to the AFT, the nation's most threatened agricultural region.

If approved, about 125,000 acres of farmland, an area nearly three times the size of San Francisco, would be lost. The AFT is calling on localities to scrutinize a new town's impact on water supplies, productive farmland, agricultural employment, air quality and the cost of public services.

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"Counties should be very careful if they replace low-cost, job-producing agricultural lands with developments that will require costly new services and quickly drain financial coffers, just as we are now seeing with the city of Fresno," said AFT California field representative Erik Vink.

The Central Valley's population is expected to triple over the next 50 years, from four million to 12 million. It currently contains two-thirds of all tillable land in the state.

AFT's 40-page report examines urban growth, development practices, resource management and the history of land use in the Central Valley. It is available for \$7.50 to AFT, 1920 N St. NW, Suite 400, Washington, D.C. 20036.

ERS: Only half of exiting farmers will be replaced

Washington, D.C. — More than a half million aging farmers will leave farming between 1992 and 2002, but only half that many new, younger farmers will take their place, according to a recent report from the U.S.D.A Economic Research Service.

Farm numbers may decrease to about 1.7 million by 2002, down from 2.1 million in 1987, the report said. The ERS is quick to note that food supply, however, will not be affected because "each farm operator today produces a larger output than in past decades."

During the 1950's and 1960's farm numbers declined by more than 100,000 per year, as farmers of all ages left to pursue nonfarm work. During the 1970's the exodus slowed as the income gap between farm and nonfarm households narrowed.

"In recent years, shortrun economic conditions that affected the balance between retiring older farmers and new younger farmers have influenced the rate of decline. Strong entry by young farmers during the 1970's stabilized farm numbers, but lower entry during the 1980's accelerated the decline. Farm numbers have continued declining in the 1990's," the report says. The report cites declines in the number of children raised on farms as a factor.

The report concludes that low numbers of new farmers is more a result of "market signals," such as higher, less risky earnings in nonfarm careers, more than "entry barriers," such as large capital requirements, difficulty in finding farms or lack of credit. Author Fred Gale notes however, that entry barriers were "very difficult to gauge."

"The New Generation of American Farmers: Farm Entry and Exit Prospects for the 1990's" is available by calling 1-800-999-6779.

American Farmland Trust

Proposed Changes to the Farms for the Future Act

- Convert program from low-interest loans to 50-50 matching grants
- Allocate funds among states and localities based on agriculture production and availability of state/local matching funds
- Give states discretion within broad federal guidelines to spend funds on conservation easements, other farm-saving transactions, research and demonstration projects. Emphasis should be on enabling local initiative and management, targeting strategic farmland.
- Allow local jurisdictions to participate where there is no statewide program
- Put an upper limit on total federal program spending

For a copy of the full proposal, call Gary Kozel, (202) 659-5170. Ask for the 1995 Farms for the Future Campaign Kit.

positive for sustainable agriculture, environmental protection and farmland preservation, Thompson believes. "There's going to be a very interesting debate on commodity programs," he said.

Farmland preservation and particularly preservation of regions identified as strategic because of unique production capability, "is the weak link in agriculture conservation policy," Thompson said. A study produced by the AFT last year, called *Farming on the Edge*, identified the nation's most endangered farming regions according to economic importance of food products and rate of farmland loss. The AFT went on to urge national designation of strategic farmland to aid state and local governments in farmland preservation efforts.

The time is right to carry that idea forward in the 1995 Farm Bill, Thompson said. Even economists at the Economic Research Service, consistent naysayers to federal involvement in farmland preservation, have said protection of truly unique growing regions, such as Florida's orange groves, may be an appropriate role for federal government.

"People in Kansas don't grow their own oranges, it's in their interest to protect fruit growing in Florida and California," Thompson said. "At a minimum we need to focus on the critical areas that are unique. The record shows the land is disappearing hand over fist. The goal is to put farmland preservation up with other conservation issues." *American Farmland Trust, (202) 659-5170.*

Sprawl conference, from previous page

are struggling with an information void, several conference attendees said. The National Trust and other groups say superstores are responsible for the decline of main street retail areas. But empirical evidence is not enough in court and in legislative chambers, an attorney told the panelists. Hard data showing direct correlations are needed, he said.

George Rodenhausen, a Poughkeepsie attorney working with an anti-Wal-Mart group, told the audience that attorneys may be able to work on legislation to protect downtowns if proper data were available.

Even proper data, however, might not be enough, however, to convince decision makers to protect existing businesses. J. Peter Doherty, an attorney from Sharon Springs, New York, said that Wal-Marts had been built every 20 miles along I-88 between Binghamton and Albany, "and no citizen opposition to any of them, not a one," he said. "New York has balkanized the process. They don't want to hear 'no' from anybody."

Richard Neumann, of the Michigan Historic Preservation Network and an organization called Urban Sprawl Alliance, Inc., said Wal-Mart had opened a few stores near his hometown of Petotsky, a resort community of 6,000 people, and his group is worried about the future of what is currently a vibrant downtown retail district.

"We're not so much against Wal-Mart, as how it may affect the viability of our downtown. We have a downtown Penny's store," he said.

Not all experts agree on cause of failing downtowns

A decline in downtown retailing following the opening of a superstore doesn't prove that superstores caused the decline, according to James D. Nicholas, co-director of Growth Management Studies at the University of Florida in Gainesville. And, the few studies that have been performed to determine whether superstores were the cause of decline, were far from flawless, according to Nicholas. Many studies had been performed to determine the cause of failing downtown districts, but had shown lack of parking and a change in shopping tastes as the causes.

"The data seem to show that the traditional downtown was already dying. Wal-Mart came along and gave the coup de grace," he said.

Nicholas compared the Wal-Mart scare to "the supermarkets of 50 years ago when they put the butchers out of business. As much as we bemoan the loss of those shops, it's the passing of history. There were lots of laws to keep out the supermarkets. They didn't work," he said.

Nicholas, who did not attend the conference, said getting Wal-Marts to locate in downtowns should be the focus of anti-superstore efforts.

Downtowns out of "development formula"

But Wal-Mart isn't likely to change its way of business, according to Dick Paik, of Coley-Forrest, an economic consulting firm in Colorado. Paik conducted a study of innovative downtown retail development for the City of Pittsburgh. Trying to retrofit big-box retailing into downtown areas, Paik said, "wreaks havoc with development formulas."

Paik said he knew of no localities that had developed design standards for large retailers, and that none had been tested. Paik's former employer, Clarion Associates, in Denver, is working on design standards for big-box retailers.

Major assault on Lancaster County, Pa.

Four Wal-Marts are currently proposed in Lancaster County, Pa., which has been designated as a place at risk by Preservation Pennsylvania because of the county's renown history and culture, an alarm also sounded by the National Trust.

A proposed cluster of superstores, called a power center, covering 500,000 square feet, was recently turned down by the Lancaster City Council. The council cited conflict with the city's comprehensive growth management plan. In addition, the Lancaster County Planning Commission urged rejection of the power center plan, saying it would have displaced 322 existing retail jobs and cause the loss of \$3 million in retail income to existing downtown businesses.

Steve Burrington, a conference panelist and senior attorney at the Conservation Law Foundation said superstores "turn their back on the inner city and minority populations. The countryside has no future if the cities and towns don't."

Contacts: Burrington, (617) 350-0990; Daniels, (717) 299-8355; Paik, (303) 573-9900; Nicholas, (904) 392-9350; Rodenhausen, (914) 473-7766.

applications. About 25 percent of current applications are those applying again, according to Iva Frantz.

The Foundation adopted a new policy that, on a landowner's request, and with conditions, exempts a tenant dwelling from counting as a utilized density right to a property when appraised for easement sale.

In New Jersey ... Washington Township in Morris County paid almost \$10.4 million Jan. 5 to save 740 acres from development, and has plans to sell the development rights to the state to recoup some of its expense. And, township officials got a pleasant surprise upon closing the deal: the landowner has another 400 acres a mile away that he says he will donate to the township. "If the land had been developed, we'd have to lay out money for a new school. We're protecting the aquifer and we're avoiding traffic congestion in the center of town," said Mayor Margaret Nordstrom. The township council used bond anticipation notes to fund the purchase.

A bill has been introduced that would result in more attractive easement offers to farmers in the state's Pinelands region, where appraisals have been based on the value of development credits in the Pinelands transferrable credit program. Assembly bill 2341 would require that appraisals conducted for the state farmland preservation program be based on the total cost divided by the total acreage of easement purchases on lands located outside of the pinelands area in eight counties in the two years immediately preceding the year in which an application is made to the State Agriculture Development Committee, unless the value derived from the original formula is greater.

Farmland preservation program administrators are "settling in" to what state executive director Don Applegate calls a state of "organized panic" as they grapple with a still new one-cycle year with an annual application deadline of mid-January. Counties are finding they are handling applications for three cycles as each file completes requirements. Prior to 1994, the program had no fixed deadline for applications. Applegate, (609) 984-2504.

In Colorado ... Larimer County, which includes Fort Collins in north central Colorado, along the Front Range, is working on an open space protection plan that could include a TDR program that developers are already interested in, according to planning director John Barnett. Several municipalities have urban growth boundaries that might serve as receiving areas and a demonstration project with a receiving site adjacent to a sending site could get the ball rolling, Barnett said. "We're sitting in a great position to do what we're doing," Barnett, (303) 498-7683.

PENNSYLVANIA

Audit confirms program rule violations

HARRISBURG, PA — An auditor general investigation of the Pennsylvania Bureau of Farmland Protection initiated more than a year ago has confirmed the Bureau violated program regulations when it committed funds for individual easement purchases prior to applications being approved by the state agricultural preservation board.

The findings, conducted for the first three years of state program operation, confirm allegations made by Lancaster County in August 1993, that the bureau was routinely committing funds for applications that would not receive state board approval until the following year, a procedure resulting in fewer funds being slated for reallocation. Lancaster County claims to have lost \$600,000 in reallocations because of the procedure.

But legislation passed last year may preclude an attempt by Lancaster to recover the lost funds. Act 75, enacted in December 1993, one month after Lancaster County requested an auditor general investigation, forgave program violations retroactively.

And, under the new law, state board approval is not required for commitment of funds, making it standard procedure to encumber funds for an easement purchase upon agreement between the county and landowner. The new law allows state board approval to occur in the following funding year, and the Bureau of Farmland Protection has continued committing funds for applications now awaiting board approval, according to bureau chief Fred Wertz.

Thirty-one pre-1994 easement files were examined, finding eight in violation, and it is likely more such cases would be found with further investigation, according to Wertz, who said the Bureau had been unaware its procedures were incorrect.

In a letter to Agriculture Secretary Boyd Wolf last August, Lancaster County claimed it knew of more than 100 applications for which funds had been encumbered prematurely, nearly all occurring in 1992.

While the audit examined only a limited sample, the Lancaster County Agricultural Preserve Board "has been completely vindicated," said executive director Tom Daniels, referring to assertions by state officials as well as other counties that Lancaster County "was being greedy. But the truth is, we were being screwed. They were taking away money that was ours. This is exactly what we said was going on all the time," Daniels said.

The auditor general's findings concluded that the eight agreements found to have had premature commitment of funds resulted in the withholding of \$3.2 million in reallocation funds to other eligible counties. The auditor general's office would not release information on which counties or farms had been examined in the audit. Officials at the Bureau of Farmland Protection and the Department of Agriculture legal department said they did not have the information.

resources ...

Publications

• **The Small Town Planning Handbook**
By Thomas L. Daniels and John W. Keller
2nd Edition 1995 • APA Planners Press

This second edition of what has become a small town planning classic will be out this spring, likely in May, according to the APA. While it is possible it could be ready in time for the annual APA conference in April, it isn't likely, according to editor Sylvia Lewis.

The new edition is a major rewrite, serving up 40 percent new material, according to co-author Tom Daniels. There are additional chapters and graphics and its user-friendly format has been preserved, Daniels said. For ordering information, call Lewis at (312) 955-9100. Daniels, executive director of the Lancaster County (Pa.) Agricultural Preserve Board, can be reached at (717) 299-8355.

Participation

W.K. Kellogg Collection of Rural Community Development Resources, now being developed by The Heartland Center for Leadership Development, is calling for nomination of materials to be acquired. The Center is working in cooperation with the University of Nebraska at Lincoln, College of Architecture. The resource library will provide a national repository of materials from recognized programs in diverse subject areas including strategic planning and sustainable development. Materials will be made accessible electronically. To receive an invitation to submit materials or to nominate other materials, call Vicki Luther at 1-800-927-1115, ext. 805.

Call for Presentations, 8th National Land Trust Conference, responses due by Jan. 25. The Land Trust Alliance is accepting proposals for conference sessions in a broad range of topic areas, including agricultural land, historic preservation, limited development, estate planning, sustainable development, growth management, economic benefits of open space, wildlife management, TDR, land use planning, etc. Call for proposal form, at (202) 638-4725, or, FAX request to: (202) 638-4730. The 1995 conference will be held Oct. 16 - 19 at Pacific Grove, Ca.

Conferences & Workshops

Feb. 8, New Brunswick, NJ: "How Farmers Markets Can Strengthen Regional Agriculture," will be the featured lecture by Dr. Mark Lapping, at the First Annual Meeting of the North Jersey Farmers Market Council. Lapping is provost and v.p. of academic affairs at the Univ. of Southern Maine, and formerly Dean of Rutgers Dept. of Urban Planning and Public Policy. The one-day meeting will focus on creation, management and improvement of farmers markets. On-site registration: \$13. For info. call (201) 748-1265. Day begins with tour of the New Jersey Agricultural Museum, site of the conference.

Feb. 22-23, Syracuse, NY: *Farming for the Future: Partners in Stewardship*, sponsored by Cornell University Cooperative Extension and other NY organizations. Featured speaker, Greg Watson, eastern regional director for The Nature Conservancy and former Mass. Commissioner of Food and Agriculture, on "Building the Bridge: Agriculture and the Environment." Sessions focus on sustainable agricultural practices and critical issues facing farmers. Cost for entire conference: \$85. Lesser rates for one day. Includes evening banquet and lunches. Hotel expense: \$69 per night. For brochure call Pam Kline at (607) 255-2177 or FAX request to: 607-255-6143; e-mail: pak1@cornell.edu

Feb. 24, Dover, DE: *Governor's Conference on Delaware Agriculture*. To be discussed: the 1995 Farm Bill, new technologies for profitable agriculture, farmland preservation, the environment, and economics. Registration on day of conference begins at 8:30. Location: Dover Sheraton. Call (302) 831-1315. Sponsored by the Delaware Department of Agriculture and the Department of Food and Resource Economics in the College of Agricultural Sciences at the Univ. of Delaware.

March 26 - 31, Santa Monica Mtns., CA: The Trust for Public Land will offer its *5th National Land Counselor Program*, an intensive week of training for land trusts in land acquisition techniques. Interactive workshops include project selection and design, negotiations, and tax aspects. Class size limited to representatives from 15 land trusts. Deadline for applications is Nov. 15. Write Heidi Hopkins, TPL, 116 New Montgomery St., San Francisco 94105.

March 27 - 29, Charlotte, NC: *Effective Zoning*

Administration Techniques, a program coordinated by the Univ. of Wis., Madison, meets criteria for Continuing Education Credit (CEU). Includes session on ag lands preservation, LESA, nuisance protection, greenbelts, visual preference survey, etc. Fee: \$295. For information, contact Dept of Engineering Professional Development, (608) 263-4705. Program also offered in Madison, May 1-3 and Colorado Springs, June 5-7.

March 30 - April 1, York, PA: *First National Conference on Public Markets*, sponsored by The Center for Rural Pennsylvania. National policy leaders, market managers and producers will be speakers. Program will address all aspects and will feature trips to famous nearby markets including Lexington Market in Baltimore. One purpose of the conference is to initiate a national network of persons involved in public food market management. Contact the center at (717) 787-9555.

April 22-26, Minneapolis, MN: 10th Annual *Landscape Ecology Symposium* of the International Assn. of Landscape Ecology. Sponsored by the University of Minnesota and the Minnesota Dept. of Natural Resources. "This symposium will critically examine landscape ecology as a means of addressing the ecological consequences of human activity." To receive a call for papers and/or registration materials contact Nancy Grubb, (612) 625-6358.

April 23 - 26, Wilkes-Barre, PA: Heritage Partnerships conference sponsored by Preservation Pennsylvania. Contact Susan Shearer at (717) 569-2243.

May 1-3, Madison, WI: *Effective Zoning Administration Techniques*. See March 27.

May 4 - 5, Los Angeles, CA: *Putting Our Communities Back on Their Feet: The Next Step*, sponsored by the Local Government Commission, a nonprofit, nonpartisan organization of local elected officials in western states. The conference will focus on land use issues of the west. The group held its first annual land use conference last year in San Francisco, with 700 attending. Workshop topics include: more livable pedestrian and transit-oriented communities; financing innovative projects; working with developers, businesses and citizens; linking land use, transportation and development. Tours, exhibits, and awards dinner. Call Michele Kelso at (916) 448-1198.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Significant changes to occur in Pennsylvania program

HARRISBURG, PA — After five full years of operation, resulting in 53,387 acres preserved and a national ranking as number two in state programs based on preserved acreage, legislation recently passed will bring significant changes in how funds are allocated by the state and spent by counties.

The changes represent the first significant alterations to the program, now operating in 33 of 66 eligible counties.

A half dozen bills were introduced this year partly in response to criticism of the program's allocation of funds, some of which were held in reserve for "ghost counties" that had not yet established a preservation program. Those funds were held for one year before they were reallocated. In 1992, Lancaster and Chester Counties sued the state board for delaying reallocation of ghost county funds while waiting for passage of a law that would change the reallocation formula, a change

that would result in cuts to their share of reallocation funds.

Ghost counties to disappear

The most striking change to the state program is the termination of funds to ghost counties. That money will now be allocated to active counties, with 50 percent allocated based on agricultural production of participating counties, 25 percent based on amount of real estate transfer tax revenue, and 25 percent according to percent of a county's matching funds in comparison to other counties.

Both Lancaster and Chester Counties are pleased with the change, which will take place in 1995. One more reallocation of 1994 funds will take place.

State program administrator Fred Wertz said

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National initiative working to make cities more livable

NEW YORK, NY — Ten of the nation's largest companies have provided \$24 million as start-up funds to an economic development, anti-poverty effort launched by the Local Initiatives Support Corporation (LISC), the nation's top non-profit community development support group. The money will be used to provide matching grants to community development corporations, or CDCs, to do the previously unthinkable: build suburban style supermarkets in blighted inner city neighborhoods.

The companies have become partners in a corporate equity investment fund that will develop shopping centers with major supermarket tenants in low-income neighborhoods in 12 cities, neighborhoods that were abandoned by chain food retailers

in the 1970's. The investment fund is the first of its kind, and will provide about 30 percent of the construction costs taken on by CDCs.

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Active Pa. counties to compete for "ghost county" funds

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his office is ready to implement the change in the funding provision, which will take place in February, and said the change will be good for bookkeeping and for localities.

"It certainly makes it easier for us, not doing re-allocations at the end of the year, and it's easier for counties to know up front what they will have [in funds]," Wertz said.

Lancaster County, which ranks first in farm product sales in the northeast and 18th in the nation, makes up about 23 percent of ag production among eligible counties. Under the ghost county allocations, Lancaster will receive almost a quarter of the funds that will be divided based on ag production.

"We're looking at between \$300 and \$400 thousand of the money that had been going to ghost counties. That was a very positive change, in that it gets money to the counties that are really active in preserving farmland," said Tom Daniels of the Lancaster County Agricultural Preserve Board.

The ghost county funding was originally intended to work as an incentive to counties for establishing farmland preservation programs. It remains to be seen whether the absence of designated funds in Harrisburg will be a disincentive to participate.

Two years for use of funds

Another change will allow participating counties to use their allocated funds over two years instead of one. While counties with full-time administrators say they didn't need the extra time and are not looking forward to the bookkeeping required, most agree it will give part-time administrators and counties new to the program more time to get underway without deadline pressure.

Subdivision issue turned over to counties

Primary responsibility for subdivision requests has been handed down to the counties. The legislation was spurred by a case in Adams County (Gettysburg) in which a landowner of a preserved 49-acre farm wanted to subdivide into two small farms. "He said it was an economic viability issue. We didn't think it was, but we didn't have anything to substantiate that," said administrator Ellen

Other changes to Pennsylvania program

- Each county program will go through a recertification process every seven years, and the state board will have broader powers to accept or reject easement applications.
- Proceeds from the sale of state-owned farmland will be designated, up to \$750,000, for local technical assistance grants, not to exceed \$10,000, that can be used for GIS projects, agricultural zoning ordinance drafting, staff training, etc.
- Farmers will be able to build a new home for their own use if necessary, and sell or rent their old home.
- Only 250 acres will now be required to form an agricultural security area; it will still be required that a farm be part of a 500-acre ASA, however, to be eligible for easement sale.
- Counties are now authorized to use installment purchase agreements. Chester County explored the use of IPAs last year.
- Increases in assessments on preserved farms will only be allowed during a county-wide re-assessment.

Dayhoff. "We were prepared to take it further, and then the farm was sold." The new owners are not seeking subdivision, she said.

Adams County recently drafted subdivision regulations for easement farms, which has provided a model for other counties. Lancaster County is currently working on similar rules.

"We think this is something all counties need to look at very closely and gear it to their needs," Dayhoff said.

Cap of \$10,000 per acre

Controversy was generated in 1991 when the state board approved an easement purchase in Montgomery County costing \$2.52 million on a 169-acre farm that had public water and sewer available. It was the most expensive easement the state had approved, at close to \$15,000 per acre.

Even while legislation to create a \$10,000 per acre cap was pending this year, the board approved another purchase even more costly, also in Montgomery County at more than \$16,000 per acre. Montgomery County officials said the farms were locally important and defended local prerogative in easement offers.

Some county boards, most notably Lancaster County, protested the purchase, claiming it would

please continue to next page

Pennsylvania, from previous page

damage the political support and credibility of the program. Under the new cap, amounts above the limit must be carried by the locality.

Administrators upbeat about changes

Local program administrators interviewed said they felt the changes overall would have positive effects on the program, although they didn't agree with all of them. Two administrators said they thought the entire allocation formula should be examined for its effectiveness in protecting the state's best farmland.

"Overall, the changes will be positive for the program, particularly those relating to eliminating the ghost counties and imposing the per-acre cap," said Ray Pickering of Chester County, which has had a self-imposed per-acre cap of \$10,000 since its program began. The state cap will become effective Jan. 1.

Programs help urban-fringe farmers expand horizons

Part of a continuing series on economic development for agriculture.

GENEVA, NY — New York farmers who have made a transition from producer to direct-marketer and may want to take another leap into commercial food production, have assistance available to them at the New York State Food Venture Center at the Agricultural Experiment Station in Geneva.

The center offers assistance in product development and safety certification as well as planning for a transition to commercial operation, a vital stage for the entrepreneur, according to Center director Donald Downing.

Making the move from producing a food item in small batches for immediate consumption to larger scale production of the same product with shelf-life, is a hurdle that can send a promising enterprise into a financial tailspin, he said.

As in any other business, a business plan and marketing study are essential for success in food

enterprises. Where the Food Venture Center can help is with its test kitchen, taste panel room, laboratories and small processing plant where entrepreneurs can test their product ideas for just \$50 an hour. The processing plant, where the commercial production of a product is put to the test, provides a variety of cooking, freezing, evaporating, drying, packaging and other kinds of equipment used in food processing. Center staff also do shelf-life studies, taste tests and research on regulatory requirements.

The Center publishes a manual, *Food Processing: A Guide to Creating a New Business*, for \$15. The Center can be reached at (315) 787-2733.

Saving North Jersey farms, rejuvenating inner city life

Long-time fresh food activist Barry Benepe, director of Greenmarket, which operates 20 farmers markets all over Manhattan, Brooklyn and The Bronx, believes that bringing fresh food to city dwellers has helped to save family farms on the North Jersey urban fringe.

And, by providing fresh fruits, vegetables, greens and flowers to neighborhoods such as Greenwich Village and East Harlem, the greenmarkets, with help from neighborhood or business associations, have helped to transform inner city neighborhoods from bleak, empty corridors to lively centers of commerce and comradery. The greenmarkets, say customers interviewed by a New York Times reporter, have brought "ripples of hope" to their neighborhoods.

Organizations concerned with prenatal care and infant health as well as housing coalitions, have been among the groups organizing to create urban farmers markets as a means of providing wholesome, affordable food in blighted neighborhoods, and strengthening communities. In the last decade, 1,755 markets have opened nationwide, according to the USDA's 1994 National Farmers' Directory. Twenty years ago there were fewer than 100.

According to local businesses, the return of farmers' markets has also helped to increase real estate value to the communities they serve: the Greenmarket at Union Square, at 17th Street and Broadway, is a good example. Since 1977 when the Union Square Greenmarket debuted, the average

Private initiative spurs inner city redevelopment to create livable communities

continued from page 1

Called "The Retail Initiative," the fund has already committed money to two local groups that are working on construction of a Pathmark Foods store in East Harlem.

The private effort marks a significant move toward the type of urban renewal urged by conservation groups at the other end of the land use spectrum: those groups working to protect farm and open space lands on the urban fringe. The Sierra Club, which recently proclaimed a decline in interest in environmental issues and a lay-off of 40 employees, has advocated efforts to make cities more livable as a means of protecting land resources.

The National Trust for Historic Preservation has made livable communities part of its advocacy, and has put sprawl on the top of its enemy list. The American Farmland Trust and the nation's top farmland preservation advocates have long urged policies that will stimulate development opportunities where infrastructure is already in place.

But The Retail Initiative has its roots in food and hunger advocacy in New York City, according to Pam Fairclough of the Community Food Resource Center, who said making sure people have food to eat requires that the food be reasonably available and affordable. Many inner city neighborhoods are served only by small markets with limited selection and high prices, she said, and inner city residents, often poor, have been paying high public transportation costs to reach supermarkets in the suburbs.

In 1991, Fairclough's group went to LISC to talk about joint ventures with supermarkets, and that initiative led to two projects, she said.

"We looked at the underlying reasons why supermarkets were not being located in the city. It was not an issue of buying power, because the density of population would make up for lower incomes. So we began to learn about the land use situation that dictated how development occurs. We had expected to hear a rationale of high insurance rates and theft, but we heard about the diffi-

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etcetera ...

Cost of services study completed in Minnesota

Washington, D.C. — A new cost of community service study conducted by the American Farmland Trust (AFT) and the Land Stewardship Project of Minnesota shows that in three Minnesota cities, residential uses cost more than twice as much in public services than does farmland.

For every dollar raised by residential revenues, the towns spent an average of \$1.04 in public services, including education, fire and police protection and roads.

For farmland, the cities spend an average of 50 cents in services for every dollar raised, according to the 20-page report, the eighth fiscal analysis study performed by the AFT.

The Twin Cities metro area has lost more than 150,000 acres of agricultural land to urbanization since 1970.

The Land Stewardship Project is a private, non-profit organization founded in 1982, advocating socially responsible land use and sustainable farming practices through grassroots organizing and public education.

The group recently hosted a pro-family farm rally, attended by more than 200 family farmers, at a legislative hearing on corporate livestock operations.

The group also launched an initiative this year to form a 1000 Friends of Minnesota, modeled on the Oregon land use watchdog group, and arranged for 1000 Friends of Oregon founder Henry Richmond to be key speaker at an annual public affairs conference in Minneapolis.

The AFT/LSP cost of community service study, *Farmland and the Tax Bill* is available from the Land Stewardship Project for \$10. Call (612) 433-2770. It is also available from the AFT, 1920 N Street, N.W., Suite 400, Washington, D.C. 20036. Add \$3.50 for postage and handling.

Significant increase in land trust use of easements

Washington, D.C. — A national survey of land trusts conducted in October found that conservation easements are being used much more often to protect land than just four years ago when the last survey was conducted by the Land Trust Alliance (LTA), the national organization representing land trusts.

About 290,000 acres have been protected by ease-

ment sale or donation to land trusts since 1990, an increase of two-thirds the survey found. Land held under easement now exceeds land held outright by about 200,000 acres. In 1990 land protected by each method was about equal.

More than half - 54 percent - of land trusts said farmland acreage is included in their holdings. Land trusts devote most of their work to protecting wildlife habitat.

Land trusts now protect more than four million acres through fee simple or easement, with the largest amount of acreage - 1.5 million - in New England. Land trusts on the west coast protect 624,000 acres and the mid-Atlantic states protect 617,000 acres.

Top 10 states for land trust easements, number of acres

1. MT	127,742	6. MD	51,646
2. VA	89,690	7. PA	51,476
3. NH	62,443	8. CA	50,407
4. VT	60,058	9. NY	41,144
5. ME	52,180	10. MA	28,316

McHenry County rescinds 160-acre minimum lots

Woodstock, Ill. — McHenry County's 160-acre minimum lot size has been rescinded: the county board voted it out Nov. 1, claiming it was not a realistic restriction and had not deterred farmland loss since enacted in 1979.

Planners told the board that upzoning to a 40-acre minimum would not result in significant change to the county's already embattled agricultural industry, and that grandfathering had assured that the intent of the ag zoning would not be realized. "The rationale is that [the zoning] should reflect what is actually out there," county planner Jim Hogue told FPR last month.

But Cindy Skrukord, of McHenry County Defenders, a land use watchdog group, said the board should have worked to create better protection techniques, rather than throw out the only farmland protection policy on the books.

Skrukord said the county board was responding to real estate industry lobbyists who had requested the zoning change. "I think what we need to do is bring to the public consciousness that farmland is a resource we need to protect," she said.

McHenry County Defenders plans to advocate the purchase and transfer of development rights, Skrukord said. *Jim Hogue, (815) 338-2040; Cindy Skrukord, (815) 338-0393.*

Retail Initiative, from preceding page

culty of finding good sites ... to build a supermarket, zoning variances can take five years and a half million dollars," Fairclough said.

In 1972, zoning in the city was set up to accommodate manufacturing, neglecting retail facilities with space to lease to supermarkets. Meanwhile, the city's housing rehabilitation program was bringing low-income residents into neighborhoods that had no food outlets, Fairclough said.

"In the mid- to late 80s, when dollars were consumed in the suburbs, New York City missed out. Now, something needs to change," she said.

The change is community development initiated by the communities themselves, said Housing and Urban Development Secretary Henry Cisneros, speaking at the announcement of The Retail Initiative in Washington, D.C. in late September.

"If we have learned anything over the past decades, it is that the urban renewal strategies with the best hope of success are those that are locally-generated and locally-led," Cisneros said. "TRI, based on successful models here, in Chicago, in Miami, in Kansas City and elsewhere, represents an exciting expansion of that community-based development strategy."

The fund's largest corporate investor, the Prudential Insurance Company of America, which put in \$8 million, recognizes inner city reinvestment as vital to the nation's future.

"We have witnessed the significant impact new and rehabilitated housing has on inner-city neighborhoods, once thought beyond repair," said vice president and secretary Dorothy Light. "Now we in the corporate community must make additional resources available to local CDCs so they can move beyond housing to the other factors that make up truly vibrant communities."

Established by the Ford Foundation in 1979, LISC is the nation's largest community development support organization with programs in 34 cities and regions. About 1000 community development organizations have received LISC funds for construction or rehab projects for housing and for commercial or industrial sites. LISC has raised \$1.3 billion in donations and investments. Those funds have helped development organizations leverage more than \$2 billion from local sources. Contact: LISC, (212) 455-9800; Pam Fairclough, (212) 344-0195.

Virginia Beach may create easement program with property tax increase

VIRGINIA BEACH, VA — The City of Virginia Beach, with 34,000 acres of farmland remaining within its boundary, wants to preserve at least 18,000 of those acres through the purchase of conservation easements. The effort would create the first farmland preservation program in Virginia.

The city will consider funding the program through a 2-cent property tax increase, according to Louis Cullipher of the city department of agriculture. The increase would raise \$3 to \$4 million per year, he said.

The average cost per acre for easements is not yet determined, but it is expected to be about \$4000, according to Mary Heinrich, a consultant working with the city and the Nature Conservancy, which has lent support for the project. In the city's agricultural zone, building rights are allocated based on soil conditions, with one unit per 15 acres by right.

According to a poll conducted by The Nature Conservancy, more than 70 percent of Virginia Beach residents would support creating a program to preserve farmland, but just 50 percent said they would support a tax increase to do so.

However, the increase would not have to go to referendum, and will be introduced to the city council in early spring, according to Heinrich, who believes a majority will support the tax increase.

The city's agriculture is dominated by soybeans and corn, and farmland, despite its proximity to a population center, is still owned by family operations. "Our timing seems to be good," Heinrich said.

City officials began their exploration a year ago, examining the program of Forsyth County, North Carolina, but found no similarities in land characteristics. Then an ad hoc committee looked to the Land Evaluation and Site Assessment (LESA) system of the Soil Conservation Service, and developed a farmland ranking system to prioritize applications that will come from a farming region boasting 100 percent prime soils with no slope, "not even two percent," said Louis Cullipher.

The city's first LESA draft extends farmland preservation to include protection of environmentally sensitive areas and maintaining "the historic, scenic and rural culture." Environmental quality makes up 15 percent of the system, rating the percentage of the farm in upland forest, proximity to Virginia Natural Resource Heritage Program lands, and proximity to a perennial stream. Historic and scenic qualities make up five percent, and points are assigned for proximity to historic or cultural features and length of public road frontage.

Points are also given for animal units produced on the farm, because, said Cullipher, animal agriculture is considered important

legislative and program briefs ...

In North Carolina ... Orange County voters defeated a bond referendum that would have put up \$5 million to preserve farmland. Since 1950 almost two-thirds of the county's farmland has been lost to development. Because favorable response was significant — 45% — a steering committee may propose the referendum be tried again, perhaps as early as next spring, according to planning director Marvin Collins. The estimated average per-acre easement value, including farmland near the urbanized Chapel Hill area, is \$2,761. Land area still in farm use is 37 percent. *Collins: (919) 732-8181.*

In Pennsylvania ... Legislation recently passed will bring significant changes that include: a cap of \$10,000 per acre in easement purchase; an increase, from one year to two years that counties have to spend allocated funds; recertification of county programs by the state board every seven years; an additional home site allowance for a farmer's retirement use; a reduction from 500 to 250 acres required to form an ag security area (ASA), but requiring that a farm be part of a 500-acre ASA to be eligible for easement sale; limitation on increasing assessments on preserved farms; a stipulated use of some proceeds from state-owned farmland sales for technical assistance for farmland preservation programs. Most of the changes have support from local administrators. *Fred Wertz: (717) 783-3167.*

In Illinois ... McHenry County has changed its minimum lot zoning from 160 acres to 40 acres with officials saying the 160-acre minimum was not a realistic restriction and had not deterred farmland loss since enacted in 1979. Planners told the board that upzoning to a 40-acre minimum would not result in significantly more rapid development. (See story this issue.)

A grassroots group called RURAL reports that planning grants continue to be designated for study of a third regional airport, which it says is not needed and is being used to spur construction of a tollway extension through rural Will County.

In Michigan ... The Michigan Environmental Council, a coalition of 23 environmental and conservation organizations, has launched a three-year project to promote environmentally responsible land-use decisions. The project was sparked by the 1992 report "Michigan's Environment and

please continue to next page

Related Risk," which cited lack of land use planning for resource protection as the state's top environmental concern. The project has local foundation support. *Contact: Julie Stoneman, Director of Land Programs, (517) 487-9539.*

In New Jersey ... Washington Township, in Morris County, will appropriate \$11 million through a bond issue to prevent the development of an 850-acre farm. The township will purchase the farm in fee simple, divide it into smaller farms, then sell the development rights to the state (see story last issue).

The New Jersey farmland preservation program was the subject of a Nov. 20 *New York Times* article that compared the program's preserved acreage to the amount of acreage developed. The article also stated the number of farms preserved each year since the program was enacted (1981) rather than since the program actually began buying development rights (1985). The article said the program approves "fewer than a dozen applications a year." The program actually approved 39 farms in 1992 and 48 in 1994, "with another 50 expected to be added to the program in 1995," according to Don Applegate, program director, in a letter to the editor.

Among the 10 USDA urban conservation projects initiated by the community assistance branch of the SCS, is the **New Jersey Community Assistance Program (CAP)** based in Morristown and established this year. CAP is a six-county program administered by the SCS in partnership with the state Soil Conservation Committee, the state Association of Conservation Districts and four soil conservation districts. Three and a half positions were filled. In its first year CAP co-hosted a tour of three counties highlighting urban conservation activities that prevent runoff into urban waterways. Numerous water quality projects were initiated as well as urban park refurbishment and creation of the North Jersey Farmers Market Council, so far establishing 13 markets. *Contact: Randy Brockway, (201) 538-1552.*

In California ... A Department of Conservation report shows that despite a statewide decline in farmland conversion of 16 percent between 1990 and 1992, conversion in the agriculturally valuable San Joaquin Valley increased by 29 percent. The department documents changes from agricultural to urban land use every two years through its farmland mapping and monitoring program. Sacramento, San Joaquin, Stanislaus and Fresno counties led the state in the urbanization of irrigated cropland. Last year the American Farmland Trust called the Central valley the most threatened agricultural region in the nation.

Virginia Beach, from preceding page

for assuring the financial viability of farming. Ten points are assigned for 250 or more animal units, one unit equaling 1,000 pounds of body weight.

Circumstances supporting agriculture are given 28 percent of the system, with five factors, each assigned a weight of 10, with point values ranging from 0 to 10. Factors include proximity to other protected areas, land in agriculture near the site, or, absence of non-farm rural residences within a half-mile, and proximity to significant or unique agricultural support services.

The effort to create an easement program is not the first time Virginia Beach has tried to protect its farmland resources. In the mid-1980s, with a population of over 400,000, the city explored the transfer of development rights, spending \$1.5 million on consultants and developing several scenarios for receiving areas.

It was all for naught: localities in Virginia are not empowered to establish such innovative land use techniques, and the General Assembly was in no mood to grant authority to Virginia Beach or to Loudoun County, in Northern Virginia, which also pursued enabling legislation in 1984.

But the city doesn't need the legislature's OK to create an easement purchasing program, and, according to both Cullipher and Heinrich, the drive to establish the program, and to fund it, is strong. In addition to considering the tax increase, the city is also pursuing grant funding to jump start the program. *Contact: Louis Cullipher, (804) 426-5775; Mary Heinrich, (804) 460-0750.*

Farmers markets, from page 3

retail rents on lower Fifth Avenue have risen significantly, from \$20 per square foot to \$75. The Union Square market, operated four days a week, does a bustling business itself, grossing \$9 million a year, half of the \$18 million grossed by all 20 of the city's Greenmarkets. *Contact: Barry Benepe, (212) 477-3220.*

More on farmers markets ...

The Center for Rural Pennsylvania is sponsoring the First National Conference on Public Markets to bring together the growing number of professionals and volunteers involved in creating farmers markets, particularly in urban centers. The conference will take place in York, Pennsylvania, March 30 - April 1. For information, call the Center at (717) 787-9555.

And, in New York, the 1995 New York State Farmers' Direct Marketing Conference will be held Feb. 7 - 9, in Batavia. The conference will feature sessions on financial analysis, tourism, merchandising, customer relations, as well as a trade show and a tour of farm markets. Contact Ken Silsby at (716) 433-2651.

In Pennsylvania, the department of agriculture is soliciting farmers to operate stands at two turnpike service plazas that were selected for a pilot project organized in cooperation with the state's turnpike commission. Close to one million people stop at the two service plazas each year, according to the commission.

resources ...

Publications

• **Designing Open Space Subdivisions**

By Randall Arendt

Natural Lands Trust, 150 pp., \$25
 Randall Arendt, principal author of "Rural By Design: Maintaining Small Town Character," published recently by the APA, has just completed a new handbook he calls the true sequel to the much-acclaimed "Dealing with Change in the Connecticut River Valley" that he co-authored five years ago.

Arendt says that unlike "Dealing with Change," "Designing Open Space Subdivisions" provides a "a simple four-step approach to designing residential developments around the central organizing principle of open space conservation." The handbook features the now familiar aerial perspectives of development sites that contrast traditional with innovative designs as well as model language for subdivision and zoning ordinances.

The handbook is "for open space preservation more than for farmland protection," Arendt said. Arendt and Tom Daniels of the Lancaster County (Pa.) Agricultural Preserve Board — a chief critic of rural clustering in agricultural zones — will square off in articles to appear in the *APA Journal* sometime next year.

To receive *Designing Open Space Subdivisions*, send check payable to the Natural Lands Trust, 1031 Palmers Mill Road, Media, Pa. 19063.

• **Secrets of Successful Rail-Trails: An Acquisition and Organizing Manual for Converting Rails into Trails**

The Rails-to-Trails Conservancy/
 National Park Service

This manual describes the techniques for rail-trail conversion as well as community organizing, working with government agencies, publicity,

negotiating with a railroad company, and funding. An appendix lists national and state organizations and contacts in planning, historic preservation, railroad companies, as well as the ever important ISTEA Enhancements contacts. Call the Conservancy at (202) 797-5400.

• **Farmland Preservation Report Index**

An index to Volume 4, covering all articles from Oct. 1993 to Sept. 1994 is available to FPR subscribers upon request. A cumulative index to include all issues from the premiere issue of Oct. 1990 will be available in early 1995. Call FPR editor Deborah Bowers at (410) 692-2708.

Conferences & Workshops

Dec. 7-8, Pittsburgh, PA: *International Industrial Site Recycling Conference*. Over 500 delegates are expected to attend this meeting sponsored by the Engineers' Society of Western Pennsylvania, and by two committees of the Pa. legislature representing a bi-partisan effort that resulted in overwhelming Senate approval in April of a three-bill package to encourage the reuse of existing commercial and industrial sites. For conference information, call the ESWP at (412) 261-0710.

Dec. 8 - 9, Salt Lake City: *Linking Land Use, Transportation, and Air Quality Planning: New Mandates, New Approaches*, sponsored by the Lincoln Institute of Land Policy. Will review the progress of 10 U.S. regions and how land use development patterns, such as transit oriented development, influence commuting methods. Call 1-800 LAND USE. Tuition: \$245. Accommodation: \$80 per night at Hotel Salt Lake Hilton.

Dec. 15, Ronkonkoma, NY: *The Public Trust Doctrine on Long Island: Public and Private Rights in Coastal Areas*, sponsored by the Government Law Center of the Albany Law School. Contact GLC at (518) 445-2329.

March 26 - 31, 1995, Santa Monica Mtns.,

CA: The Trust for Public Land will offer its *5th National Land Counselor Program*, an intensive week of training for land trusts in land acquisition techniques. Interactive workshops include project selection and design, negotiations, and tax aspects. Class size limited to reps from 15 land trusts. Deadline for applications is Nov. 15. Write TPL, 116 New Montgomery St., San Francisco 94105.

March 30 - April 1, 1995, York, PA: *First National Conference on Public Markets*, sponsored by The Center for Rural Pennsylvania. National policy leaders, market managers and producers will be speakers. Program will address all aspects and will feature trips to famous nearby markets including Lexington Market in Baltimore. One purpose of the conference is to initiate a national network of persons involved in public food market management. Contact the center at (717) 787-9555.

April 22-26, 1995, Minneapolis, MN: 10th Annual *Landscape Ecology Symposium* of the International Assn. of Landscape Ecology. Sponsored by the University of Minnesota and the Minnesota Dept. of Natural Resources. "This symposium will critically examine landscape ecology as a means of addressing the ecological consequences of human activity." To receive a call for papers and/or registration materials contact Nancy Grubb, (612) 625-6358.

May 4 - 5, 1995, Los Angeles, CA: *"Putting Our Communities Back on Their Feet: The Next Step,"* sponsored by the Local Government Commission, a non-profit, nonpartisan organization of local elected officials in western states. The conference will focus on land use issues of the west. The group held its first annual land use conference last year in San Francisco, with 700 attending. Workshop topics include: more livable pedestrian and transit-oriented communities; financing innovative projects; working with developers, businesses and citizens; linking land use, transportation and development. Call Michele Kelso at (916) 448-1198.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Local innovations

Localities use creative finance to save important farms

LONG VALLEY, NJ — An 850-acre farm could slip from the hands of hopeful developers this month as officials in Washington Township, Morris County, try to beat the cost of providing services to hundreds of new homes by purchasing the property with public funds.

The township plans to recoup some of the cost of the purchase by selling easements to the state farmland preservation program, according to Morris County planner Frank Pinto. Because of the size of the farm, it would be subdivided into smaller farms and easements sold one year at a time, he said. Township officials discussed their proposal with the State Agriculture Development Committee.

The township conducted a fiscal analysis to determine the cost of providing services to the 300

or more new homes that could be built on the tract. Their effort toward preservation has focused on the cost factor, but the farm is a key tract in a preserved area that, "if developed, would seriously impair the efforts the county has made so far [to preserve farmland]," said Pinto. The county has preserved almost 1000 acres under the state program, he said, and the subject tract "is right in the heart of the project area."

Earlier this year, efforts by the New Jersey Conservation Foundation to purchase the property failed, and an offer of \$10,700 per acre from the county farmland preservation program was rejected. Meanwhile, a prominent developer was eager to clinch a deal with the owner.

Although cost figures have not emerged, a nearby farm in the late 1980s received \$17,500 per

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U.S.D.A. to be restructured; Espy to leave agency Dec. 31

WASHINGTON, D.C. — Secretary of Agriculture Mike Espy resigned effective at the end of the year after alleged ethical lapses involving acceptance of gifts from companies his agency regulates. The announcement came on the heels of approval of a U.S.D.A. reorganization he helped steer through numerous disputes in the House.

The resignation was accepted by President Clinton, who called it appropriate, saying he was concerned about recent reports including a scholarship awarded to Espy's girlfriend from Tyson Foods, a poultry company in Arkansas, and that state's largest employer. Espy and his friend attended a Dallas Cowboy game as guests of Tyson Foods last January.

Under federal laws such as the Meat Inspection

Act of 1907, it is a felony, punishable by one year in prison, for an official of Espy's status to accept favors of value from a company regulated by the USDA.

While no names have been officially released

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Changes will slim down nation's fourth largest bureaucracy

continued from page 1

as contenders for Espy's job, numerous candidates were discussed prior to the resignation, according to *The Wall Street Journal*. They include Ruth Harkin, head of the Overseas Private Investment Corp. and wife of Sen. Tom Harkin of Iowa. She is regarded as the leading contender; Bob Nash, an Arkansas friend of the president and now under-secretary for small community and rural development; Rep. Jill Long, a rural development advocate on the House Agriculture Committee; and House Speaker Tom Foley, if he loses his reelection bid.

Deputy Secretary Richard Rominger, who will take over Espy's duties until a new secretary is named, is also recognized as a contender. Rominger is a farmland protection advocate and a former board member of the American Farmland Trust.

The reorganization of the agriculture department as authorized would eliminate thousands of jobs by consolidating farm programs and field offices. Priorities of the department would be reshaped, with major farm programs merging into a single Agricultural Service Agency, and primary conservation programs such as the Soil Conservation Service becoming the Natural Resource Conservation Service.

The provision, attached to a crop insurance bill, awaits the president's signature. While the move represents a milestone in the administration's drive to "reinvent government," the reorganization was actually initiated in 1992 by Sen. Richard G. Lugar (Ind.), ranking Republican on the Senate Agriculture Committee, and put forward by Edward R. Madigan, Espy's predecessor.

House Agriculture Committee chairman Rep. E. "Kika" de la Garza praised Espy, however, for remaining steadfast on the reorganization plan.

The agriculture department is the government's fourth-largest bureaucracy. It has been the target of numerous attacks in the media for mismanagement of food safety responsibilities and waste in general. It has an annual budget of \$62 billion and serves wide-ranging needs from trade and nutrition to natural resource protection. The department has not undergone reorganization since the Dust Bowl 1930s when soil conservation became a critical national concern.

A tally on which jobs or field offices will be

closed is far from official. Some positions in Washington "could be shifted to the field level," said Tim Warman, federal policy director for the American Farmland Trust. "The secretary was extremely circumspect on what offices would be closed and what criteria would be used to determine closings." Counties that have separate offices for ASCS, FmHA, and SCS would likely be consolidated, Warman said.

"I feel positive about the reorganization," said Lloyd Wright, Community Assistance Branch Chief in the Soil Conservation Service, who will likely have responsibility for farmland protection and urban technical assistance programs, including the Farms for the Future Act. Wright said the reorganization should take place by Jan. 1. *Tim Warman, (202) 539-5170; Lloyd Wright (202) 720-1853.*

1992 National Resources Inventory

Surface area of nonfederal and federal land and water areas, by state and year (selected states), changes in developed land.

State	Year	Developed acres(1,000s)
Maryland	1982	946.2
	1987	1,029.6
	1992	1,095.2
New Jersey	1982	1,289.9
	1987	1,513.2
	1992	1,588.0
Delaware	1982	169.6
	1987	187.3
	1992	204.8
Pennsylvania	1982	2,996.1
	1987	3,181.0
	1992	3,432.1
Massachusetts	1982	1,076.2
	1987	1,181.6
	1992	1,309.1
New York	1982	2,783.4
	1987	2,883.6
	1992	3,005.0
California	1982	4,200.4
	1987	4,473.2
	1992	5,000.5

Local innovations, from previous page

acre in an easement sale to the state.

Fifty of the acres are in wetlands, which the township hopes to protect through the state's Green Acres program. The township would further recoup its losses by dividing the farm into smaller farms of about 100 acres each, and selling them at auction, according to Pinto.

The township's move has stirred some interest at the state level, according to Don Applegate, executive director of the State Agriculture Development Committee (SADC). Applegate praised the township's use of multiple resources for protecting the parcel. The township may have taken a tune from the state's emergency fee simple option, which the SADC invokes as a means of holding a property that is in imminent danger of development, until it can be resold with an easement restriction.

"They're really going about this from the financial perspective. The emotions over the open space are secondary ... it's a very exciting project," Applegate said.

Easement purchase one acre at a time

When money is tight, there is more than one way to purchase easements: a few acres at a time, until the whole farm is protected, in what Readington Township in Hunterdon County, New Jersey, calls its Partial Easement Purchase (PEP) program.

The township places an option on a farm, according to Julia Allen, liaison to the County Agricultural Development Board, then pays the easement value on a certain number of acres. The town continues to purchase easements on a small number of acres per year with a \$2 million fund accrued through bond referendums passed in 1978 and 1980.

"One farm went all the way to closure with township funds over several years," she said. "This was our own invention out of frustration," she said, noting that in Hunterdon County a very small percentage of applicants to the state program receive offers. One year the township purchased just one acre so that the farm involved could stay in the PEP program, Allen said.

Seven farms have participated in the PEP

program since it was established in 1988. The township also has a mandatory cluster ordinance requiring 67 percent of a parcel be set aside for farmland, recreation or environmental aspects.

Hefty down-payments hold "critical farms"

In Maryland, Carroll and Frederick Counties have created programs that try to make up for the scarcity of state farmland easement funds by offering anxious farmers 75 percent of their appraised easement value. This acts as an option to purchase, allowing the county to complete the easement purchase after five years if the state has not done so.

Carroll County created its "Critical Farms Program" three years ago. Frederick County used the program as a model and adopted it earlier this year.

In Carroll's program, farmers who are under intense development pressure and who may not be able to wait for state program processing, can apply for what is essentially an emergency option that will provide them with needed capital while reserving the opportunity to accept an easement offer from the state. Once a state offer is accepted, the Critical Farms Program is reimbursed. Currently, three Critical Farms applications are under review and funds are available for four such purchases this year, Powel said.

One administrative difficulty the program poses, Powel said, is determining whether Critical Farms acres should be tallied as part of the county's preserved acreage, since there is a five-year buy-back option the farmer retains.

"On our own GIS mapping I have not yet broken out a third designation," he said, which would show a limbo status for the 429 acres now held as Critical Farms.

Carroll County is conscientious about numbers, as it ranks second in the nation for number of acres permanently preserved under farmland conservation easements. Last year in a *Farmland Preservation Report* tally, Carroll held 20,790 acres, just 2,434 acres behind top-ranking Marin County, California.

While the Carroll program operates as a revolving fund for farms that may face imminent development, the Frederick program approach is to help farmers who want to buy acreage, and thus save farmland

Farmland down under**Aussies look to curb sprawl, save scarce farmland**

MELBOURNE, VICTORIA — Local and state governments in Australia are taking a hard first look at the problems of urban sprawl and farmland loss, recently participating in the first national conference addressing the issue.

The conference, held in Melbourne, Victoria, Sept. 21 - 23, attracted more than 100 government planners, consultants, farmers and academics from each of Australia's six states.

Participants were "pumped up" about how to establish farmland protection techniques, according to Tom Daniels, executive director of the Lancaster County (Pa.) Agricultural Preserve Board who was the conference guest and keynote speaker.

"There is a large interest in urban fringe land use in Australia, but there has never been a national approach or national forum to examine," said conference coordinator Trevor Budge, of Trevor Budge & Associates.

The loss of farmland on the fringes of Australia's metropolitan areas and along transportation corridors continues to be "a major unresolved planning resource issue," according to the conference brochure, which described farmland loss as "a national problem which requires coordinated and strategic action from all sectors of the agricultural community ... farmers to decision makers."

Currently parched by a four-year drought, Eastern Australia also carries four-fifths of the nation's 17 million people in a coastal region that expands ever inland, encroaching on the nation's most important farmlands.

"On the whole, the real value of the conference was for people from different parts of the country to share what they're doing on farmland protection. They picked up on using multiple techniques and the idea of critical mass," Daniels said.

In Australia, no national data exist on the rate of farmland loss, "a serious deficiency" Daniels said, because no more than 10 percent of the country is arable. Although nationally compiled data would be useful, Daniels said information collected by individual states would be more useful to local

etcetera ...**Funding cut from Farms for the Future program**

Washington, D.C. — The Farms for the Future Act lost its funding in the 1995 budget when the Senate Agriculture Appropriations Committee, chaired by Sen. Dale Bumpers, deleted its proposed \$2.5 to \$3 million outlay. The program's current budget is zero, according to Alicia Bambara, spokesperson for the Senate Agriculture Committee, chaired by Patrick Leahy of Vermont.

Sen. Leahy, who sponsored the FFA in 1990, said he will revisit the issue in the farm bill, which serves as the great catch-all for wounded agriculture program budgets. The 1995 reauthorization of the farm bill is already underway.

Bambara said the program was not targeted for cuts. "It was definitely not singled out. It was randomly thought to be too geographic... [Leahy's] commitment remains firm," on support for FFA, Bambara said.

Once fully funded, the FFA could eventually provide interest rate subsidies and loan guarantees to 14 states with farmland preservation programs. The program has not progressed beyond its pilot phase, limiting its use so far to Vermont.

Opposition to Wal-Mart a nationwide trend

While Wal-Mart officials say there are about eight to 10 planned Wal-Mart sites opposed by community activists, *The Wall Street Journal* reported Oct. 11 that at least 40 organized groups are actively opposing proposed or anticipated Wal-Mart stores in communities including Gaithersburg, Md.; Oceanside, Ca.; Quincy, Ma.; East Lampeter, Pa.; Lake Placid, N.Y.; and Gallatin, Tn. Another recent article in the *Chicago Tribune* examined anti-Wal-Mart fights in the Vermont towns of St. Albans and Williston.

Such local opposition, often led by former anti-war and anti-nuclear activists, according to *Journal*, has led the company to drop its plans in Greenfield, Ma. and two other sites in that state; in Bath, Me., Simi Valley, Ca., and in Ross and West Hempfield, Pa.

While such opposition seems substantial, Wal-Mart continues its onslaught in rural areas and on the urban fringe: it expects to add 125 stores to its existing 2,504 within the next year.

Urban designer Peter Calthorpe told *The Wall Street Journal* that "Wal-Mart is a metaphor for the American dream run amok," and that he thought the struggle had broader implications that could cause a groundswell of community activism focusing on curbing "auto-based culture." See *The Wall Street Journal*, Oct. 11, "Ban the Bargains: Aging Activists Turn, Turn, Turn Attention to Wal-Mart Protests", page 1, by Bob Ortega.

1000 Friends criticizes new state plan provisions

Portland, Or. — The 1993 Oregon legislature, in adopting HB 3661,

was "too generous in allowing inappropriate levels of new development in much of rural Oregon," according to 1000 Friends of Oregon, the state's land use watchdog group.

In 1973 the state plan designated large areas of the state as Exclusive Farm Use (EFU) zones. The rule governing these zones was that new parcels created within them had to be large enough to support commercial agriculture. But counties differed in their view of commercial agriculture and 20-acre "farms" began to proliferate in many areas. Some urban fringe counties advocated increased development opportunities, generating a push for a "secondary" farm and forest lands designation.

After an aborted attempt at secondary lands legislation, last year a new "lot of record" provision was passed, which allows a parcel created before Jan. 1, 1985 to retain its original development rights under certain circumstances. The law was seen as allowing more homes on farmland not classified as having high-value soils. More new homes are also expected in forest zones throughout the state.

1000 Friends noted in a recent newsletter that "If one-third of the million new residents expected in Oregon over the next 20 years decided to build a house on 20-acre hobby farms in the Willamette and Rogue Valleys, it would wipe out all of the land now zoned for farm use in both areas."

Last spring in its annual report, the Land Conservation and Development Commission said that in 1993, 1,921 acres of farm and forest land were lost to expanding urban growth boundaries, almost twice as much as the year before, and that another 1,104 acres were rezoned from farm and forest use to rural residential and other non-farm uses.

Walt Disney Co. pulls out of Northern Virginia

Richmond, Va. — The Walt Disney Co. pulled up stakes from its Disney's America theme park plan near Manassas National Battlefield in late September after deciding the media war with opponents of the park was hurting its corporate image.

Opposition focusing on the park's impact on historic resources in Manassas and in the nearby Shenandoah Valley proved too much a burden and "a source of divisiveness" that "diverted attention and resources from the creative development of the park," according to a statement from the president of the Disney Design and Development Co.

Disney officials flew to Richmond the night of Sept. 28 to inform an unhappy Gov. George Allen about their decision. The governor and Virginia lawmakers had courted Disney to the tune of \$163 million in incentives earlier this year and local officials, beleaguered with the cost of services to a 50 percent increased population since 1980, were more than eager for an expected 3,000 jobs and \$12 million annual tax revenue. The company said it planned to look at other sites in Virginia.

Historic preservationists and others concerned about ever

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Aussies, from preceding page

governments. "Policy is controlled by the states, but it's up to the localities to carry out policy."

Australia has an annual net trade deficit of \$10 billion, a sum greater on a per capita basis than America's \$100 billion annual trade deficit. Farm product exports, protected by better land use policy, could help alleviate such a deficit, Daniels said.

As in the United States, however, the Australian government plays a minimal role in land use issues. Fragmentation over land use control between state and local governments is also the order of the day, Daniels said. Local governments, called shire councils, each having jurisdiction over an area similar in size to our counties, "are often directly involved in developing land as well as regulating private land use," Daniels said. Few local governments have recognized the issue or importance of farmland protection.

One exception is the Shire of Pakenham, in the state of Victoria, where local farmers and planners worked together to create a Horticulture Protection Zone. The zone excludes non-farm development as well as horse and chicken farming, which are seen as competition for fertile land. One dwelling unit is allowed per 40 acres.

Also, in New South Wales, in the Shire of Wollondilly, a zoning ordinance that would separate rural lands into four zones has been proposed. And in the very rural west-central New South Wales, a transfer of development rights program has protected about 12,000 acres by transferring 24 development rights to distant urban nodes. The development rights are based on rural zoning of one dwelling unit per 200 hectares (about 500 acres).

Daniels said so far the Australian "toolbox" for land protection lacks some basics that have grown to be expected in the United States, including right-to-farm laws, use-value property taxation and purchase of development rights.

"The concept of purchasing development rights is foreign to Australia because neither an implicit or explicit right to develop exists in its constitution. However, development rights could be based on zoning allowances as in the TDR program that was

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Parcel realities**McHenry County considers upzoning its ag zone, among nation's toughest**

WOODSTOCK, IL — McHenry County, Illinois, long touted as an agricultural zoning leader with its 160-acre minimum lot size, is revisiting the zoning with an eye on its practical application: planners say that after 15 years under the ordinance, there are fewer than 100 parcels in the county of 160 acres or greater, and that far greater numbers of smaller parcels were in place prior to 1979 when the zoning was enacted, and therefore do not have to comply.

The result: the county Planning and Development Committee has recommended the county up-zone to a 40-acre minimum lot size, the median large-lot agricultural zone nationwide. The McHenry County Board will vote on the issue in a special session Nov. 1.

But farmland preservationists say practicality took second place to profitability in the upzone proposal, and that farmers and realtors have long been pushing for increased development opportunities.

"They think that trying to protect farmland is an exercise in futility — they're saying 'let's ride the wave,'" said Cindy Skrukord of McHenry County Defenders, a land protection group formed in 1971. She believes real estate and development interests influenced the vote. "I don't think anyone disagrees that 160 acres affords better protection for agriculture," she said.

Activists say farmers believe McHenry County, population 183,241, is doomed despite agricultural zoning, and that they may as well be able to profit handsomely from lot sales. Even county leaders who sympathize with farmland protection efforts have said over the last five years that nothing will stop the forces of growth from paving over McHenry's nationally renown prime soils.

Last year the McHenry County Board compromised on an updated land use plan that had proposed strict growth policies calling for new homes and businesses to be constructed only adjacent to municipalities. When angry farmers and realtors charged that the plan kept them from making money, the Board amended the plan to allow for limited growth in rural areas.

Defensibility of the 160-acre minimum lot size is a concern, according to Skrukord, but McHenry's zoning was upheld by an Illinois appellate court in 1981 when two farmers sued the county for denying a rezoning request to subdivide their farms into one-acre lots. The court cited the "obvious public interest in preserving good farmland" and that the county comprehensive plan "incorporates valid zoning goals."

Skrukord said public opinion strongly favors keeping the 160-acre zoning. Working on a task force that reviewed the county plan, she said calls from citizens favored the zoning by a margin of 10 to 1.

"The reality is, a lot of parcels could likely be built anyway," said

please continue to next page

legislative and program briefs ...

In Massachusetts ... The Trustees of Reservations Centennial Campaign raised nearly \$10.4 million from individuals, foundations and corporations to celebrate the organization's first 100 years. The Trustees have preserved almost 30,000 acres through gifts and deed restrictions.

Rich Hubbard, assistant agriculture commissioner, has reported that funding is no longer a problem in the Massachusetts farmland preservation program, which experienced fund depletion and a critical period during the recession. The legislature appropriated \$9 million to the program last month, and \$7 million remains from the last appropriation, Hubbard said.

In North Carolina ... Orange County voters will decide Nov. 8 whether \$5 million in bonds should be issued for farmland preservation easements. The county will likely offer farmers the option of lump sum or installment payments, according to planner Marvin Collins. To promote the bond referendum, the county has produced a video and a brochure that will be mailed to voters. The installment method has caught the interest of farmers, Collins said.

In California ... The State Department of Conservation recently released a status report on the **Williamson Act** covering the last three years of activity. Nearly 16 million acres, half of California's agricultural land are under Williamson Act contracts. Total acreage increased by 5,404, representing a relatively insignificant change, but reversing the small decline that occurred in 1990-91, the report said. The most significant change over the last three years was the increase in state share of local participating cost, from about 30 percent to 75 percent. Also, state open space subventions (reimbursements) in 1993-94 are projected to be \$35 million, up from \$14.1 million in 1992-93.

In Illinois ... Robert Hickman, the governor's appointed executive director of the **Illinois State Toll Highway Authority**, resigned last month after media attention to how the authority has been a medium for retiring political debts with huge construction contracts — and spreading urban sprawl. Nevertheless, polls show Gov. Jim Edgar unhurt by Democratic gubernatorial candidate Dawn Clark Netsch, who has proposed shutting down the toll highway authority.

In McHenry County, 160-acre minimum parcel sizes could be repealed Nov. 1 (see story

this issue).

In Maryland ... In and around the District of Columbia, traffic won't be getting better. In fact, it will be getting much worse, according to the regional Transportation Planning Board, which prepares plans under federal funding requirements. Analysts say a traffic crisis is confronting the District, Maryland and Northern Virginia. Most believe that crisis is already occurring. It is predicted that traffic during the busiest period of the evening rush hour will triple by the year 2020. Plans focus on new carpool lanes and highway improvements. Some board members say the plan is tilted in favor of highways over mass transit, and that it fails a clean air test. A two-day conference set for late this month will develop a "vision plan".

In Pennsylvania ... HB1515 passed, and will limit increases in assessments of preserved farms. Increases can only occur after a comprehensive county reassessment. ...HB1629 is still pending in the Senate, and would change the allocation of funds. Funds now going to "ghost counties", those counties without programs, would be diverted to counties with active programs, with 50 percent allocated based on agricultural production, 25 percent based on property tax revenues and 25 percent according to percent of county matching funds. ...HB 2520 passed, reducing acreage required for ag security areas from 500 to 250 acres. The bill also opens the door for use of installment purchases. ...HB 1860 passed, providing that proceeds from the sale of state farms, up to \$750,000, be used to create mapping, develop agricultural zoning ordinances, and train staff, through grants of up to \$10,000.

American Farmland Trust ... announced it has initiated a fundraising campaign with a target of \$38 million, \$21 million of which would be designated as capital to intervene and protect threatened farmland; \$15 million would be directed to policy-making and communications; \$2 million would endow a fund to conduct research. The campaign is chaired by Louis R. Benzak and Mrs. David Rockefeller, long-time AFT board members. **In Congress ...** Congress approved a measure that authorizes major restructuring of the Department of Agriculture by the secretary... Agriculture Secretary Mike Espy is resigning effective Dec. 31 under alleged violations of ethics laws. ... The omnibus **Heritage Areas** bill passed the House but failed to move in time in the Senate, where it died.... Last month Congress authorized the purchase of land that may complete protection of the viewshed from **Mount Vernon**, home of George Washington. The purchase would expand the **Piscataway National Park's** holdings on the Maryland Potomac shoreline. Funding could come from land and water conservation appropriations.

McHenry Co., from preceding page

principal planner Jim Hogue. "The one concern which I think is valid is, what message does that send to the farmer?"

Hogue added, however, that he didn't think the upzoning would result in significant change in development activity because of the number of parcels in unincorporated areas that are vacant, buildable — and grandfathered, that is, not restricted by the 160-acre zoning.

"The rationale [for the change] is that it should reflect what is actually out there," Hogue said.

In June 1993, the Northeastern Illinois Planning Commission reviewed McHenry's plan update, saying it believed continued support of the 160-acre minimum lot size in agriculture areas "is a key and necessary component of any agricultural protection program."

Agricultural zoning experts have pointed to an inherent weakness of large-lot based ag zoning: that an increase in minimum lot size does not ensure less land will be converted to residential use. However, a lot size of 160 acres goes much further in deterring subdivision than smaller minimums.

According to the 1980 National Agricultural Lands Study, minimum lot sizes of five to 10 acres often result in more, not less land being converted. If, for example, the minimum lot size is raised from one acre to five acres, the total amount of land consumed for house lots will increase unless the demand is reduced by more than 80 percent. But reduction in demand for homesites as a result of increasing minimum lot size to five or 10 acres has been an anomaly in the annals of zoning. Very large lots, such as 160-acre minimums stand a much better chance of deterring subdivision, although any non-farm residences can disrupt agricultural uses, the study said.

Contacts: Cindy Skrukord, (815) 338-0393; Jim Hogue, (815) 338-2040.

Aussies, continued from page 5

established in New South Wales," Daniels said.

Daniels said a consensus seemed to emerge from the conference that Australian states and local shires need to work together on a package of techniques including incentive and regulatory approaches to guide growth and protect farmers.

Proceedings from the conference will be published, according to Trevor Budge. The conference was organized by the Australian Rural and Regional Planning Network, a group formed in 1993 following a rural planning conference. That group will likely make up the core of between 15 to 25 Australian planners who will likely attend the American Planning Association conference in Toronto next spring, according to Budge.

Contact: Tom Daniels, (717) 299-8355; Trevor Budge, FAX: (011-61) 54-416-694, PHONE: (011-61) 54-416-552.

Localities using creative finance

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parcels from development.

The Frederick program requires that applicants be full-time farmers and is "seen as a way to help young farmers acquire farms," said Tim Blaser, program administrator. "There's always the thought that if [a parcel] doesn't go to a farmer, it will go out of production."

Frederick has selected two applicants in the first year of its Critical Farms Program. Appraisals are underway on the two farms, each of just over 100 acres. The county appropriated \$250,000 for the program this year. "We're hoping next July we'll get another appropriation," Blaser said.

Its Critical Farms Program supplements Frederick County's easement program, which now holds three easements. The local program supplements the state program.

Contacts: Frank Pinto, (201) 829-8120; Don Applegate, (609) 984-2504; Julia Allen, (908) 782-7346; Tim Blaser, (301) 694-2513; Bill Powel, (410) 857-2131.

Disney pulls up stakes in Northern Virginia

continued from page 5

expanding sprawl west of Washington, D.C. were delighted with Disney's decision. The National Trust for Historic Preservation, the Sierra Club, the Natural Resources Defense Council and the Environmental Defense Fund were among the national groups that coordinated a media campaign to pressure Disney to abandon the Manassas-area site.

resources ...

Conferences & Workshops

Oct. 26 - 30, Boston: 48th National Preservation Conference sponsored by the National Trust for Historic Preservation. Theme: Preservation, Economics and Community Rebirth. A Planning track includes workshops on Preservation in the Comprehensive Planning Process; Statewide Land-Use Planning; Transportation Planning Enhancements with ISTEA; Corridor Management for Scenic Byways; Preservation and Sustainable Communities; Containing Urban Sprawl Through Grassroots Organizing and Local Public Policy; "Tools" track includes: State Legislation for Taming the Auto and Containing Sprawl; Historic Preservation and Property Rights: A Look at State Legislation. Overlaps first two days of land trust conference (see below). For conference information call 1-800-944-6847.

Oct. 29 - Nov 2, Chattanooga, TN: Rally 94, the national conference of the nation's land trusts, sponsored by the Land Trust Alliance, features a comprehensive assortment of nuts-and-bolts as well as issue-oriented workshops. A good selection of enjoyable and educational field trips is always part of this large and well-organized gathering. Workshops include: Introduction to Farmland Protection; Drafting and Monitoring Agricultural Easements; Convincing Local Governments to Finance Open Space; Getting ISTEA Funds for Your Land Projects; Balancing Conservation and Development Through Design; Building Community Coalitions— Expanding Your Impact. Conference overlaps the last two days of the National Trust conference in Boston. Call LTA at (202) 638-4725 to register.

Nov. 9, Seattle: Managing Community Growth and Change - State and Local Initiatives and Systems, sponsored by the Lincoln Institute of Land Policy, will review the range of approaches to and conceptual frameworks for growth management. Focus

on results of a fiscal impact analysis and policy model to guide future growth and land use decisions in King County, Wa. Call 1-800-LAND-USE. Fee: \$155.

Dec. 7-8, Pittsburgh, PA: International Industrial Site Recycling Conference. Over 500 delegates are expected to attend this meeting sponsored by the Engineers' Society of Western Pennsylvania, and by two committees of the Pa. legislature representing a bi-partisan effort that resulted in overwhelming Senate approval in April of a three-bill package to encourage the reuse of existing commercial and industrial sites. For conference information, call the ESWP at (412) 261-0710.

Dec. 8 - 9, Salt Lake City: Linking Land Use, Transportation, and Air Quality Planning: New Mandates, New Approaches, sponsored by the Lincoln Institute of Land Policy. Will review the progress of 10 U.S. regions and how land use development patterns, such as transit oriented development, influence commuting methods. Call 1-800 LAND USE. Tuition: \$245. Accommodation: \$80 per night at Hotel Salt Lake Hilton.

March 26 - 31, 1995, Santa Monica Mtns., CA: The Trust for Public Land will offer its 5th National Land Counselor Program, an intensive week of training for land trusts in land acquisition techniques. Interactive workshops include project selection and design, negotiations, and tax aspects. Class size limited to representatives from 15 land trusts. Deadline for applications is Nov. 15. Write Heidi Hopkins, TPL, 116 New Montgomery St., San Francisco 94105.

April 22-26, 1995, Minneapolis, MN: 10th Annual Landscape Ecology Symposium of the International Assn. of Landscape Ecology. Sponsored by the University of Minnesota and the Minnesota Dept. of Natural Resources. "This symposium will critically examine landscape ecology as a means of addressing the ecological consequences of human activity." To receive a call for papers and/or registration materials contact Nancy Grubb, (612) 625-6358.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Out of the loop:

Highway authority promotes sprawl, ignores ISTEAs, FPPA

NORTHEASTERN ILLINOIS — Next spring construction is slated to begin on an Illinois tollway extension that will cut through the heart of rural Will County to the farming community of Peotone, the site of a proposed third airport to serve the Chicago metro area.

The following year another extension will cut through Lake County to the north of Chicago and continue westward through rural McHenry County, which contains some of the world's richest soils. The plans are expected to trigger "the next wave of fringe development," opponents say.

The highway plans were authorized by the legislature a year ago and put forth by the Illinois State Toll Highway Authority, a quasi-state agency without typical budgetary or oversight constraints. The projects are expected to cost \$2.4 billion in revenue bonds.

Activists who oppose building an airport in Will County say the airport and the highway plans are conceptually linked and promoted by the

building and construction industries.

Yet, the proposed airport could be dead in its tracks. New airport construction, at least for now, is falling by the wayside as new federal transportation policy — and the dollars that go with it — focuses on mass-transit and maintenance instead of new construction.

But the new principles contained in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, don't apply everywhere. Private tollway authorities are immune from citizen concerns about efficiency in land use and degradation of the environment. They don't have to play by the rules of ISTEA, or other federal programs such as the Farmland Protection Policy Act (FPPA).

That's because tollway authorities raise their own money through state-sanctioned bond issue.

The Illinois State Toll Highway Authority, created by the legislature in 1953, was given

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Making land preservation complement a local economy

SANTA ROSA BEACH, FL — A comprehensive planning process underway in south Walton County, Florida could be an anomaly in the planning field. While most planning occurs because land is expected to be developed, here it is taking place because land is expected to be preserved.

In 1992 the state, with the Nature Conservancy as intermediary, purchased 18,000 acres from the Resolution Trust Corporation (RTC) in Walton County, on the Florida panhandle. The acreage was the largest ever sold by the RTC for conservation purposes, according to RTC's Michael Hein. The state wants to protect the acreage, that contains forestland with some mature stands, unique vegetation and species, according to Walker Banning of the Florida Department of Community Affairs. The

property also holds "extensive wetland systems," he said. This month the state purchased an additional 100 acres along the coastal portion of the area, a key parcel that contains sand dunes and critical species habitat.

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Private highway authorities avoid 'red tape' of public input

continued from page 1

broad powers to build highways without the red tape required for other major public works projects.

"Since [tollway authorities] don't get federal funds, they're able to avoid all the planning required by federal regulations," said Hal Heimstra of the Rails-to-Trails Conservancy, and who serves on the board of the Surface Transportation Policy Project.

Heimstra compared the Illinois plan to a major highway now under construction between Dulles Airport near Washington, D.C. and Leesburg in Virginia. Although greater access to Leesburg will dramatically accelerate its growth, "no one is opposing it — they're too busy fighting Disney," the mega development plan just southwest of the Dulles corridor, he said.

When constructing highways for the purpose of fostering growth in outlying areas, tollway authorities, Heimstra said, clearly violate ISTEA principles.

The Illinois State Toll Highway Authority is a study in American suburban growth. Although toll highways were conceived as a means of interstate travel and commerce, their effect on localities along the way have been dramatic. About 70 percent of the tollway system's daily customers are commuters, traveling between suburbs the tollways themselves created.

The Authority is aware of this role. Its promotional video for bond-industry viewers calls the authority "the single most important factor in the economic development of Chicago's collar counties." As real estate development boomed along the state's tollways, the authority has been a land use planning agency without planners, and, without the public. Highways created interchanges, and interchanges became commercial meccas as nearby towns tried to adapt to inorganic growth.

But wild west style construction days could be coming to an end, if Democratic candidate for governor Dawn Clark Netsch is elected. Spurred by recent newspaper articles on the authority's unbridled political power and finance, Netsch has called for abolishing the tollway authority, and using the savings to eliminate at least some of its toll booths — one of the original mandates the authority has never carried out.

Netsch called the authority "a rogue bureauc-

All about tollway authorities

According to the International Bridge, Tunnel and Turnpike Association, Inc., there are 55 independent, quasi-public or totally private toll highway authorities in the nation. The Illinois Toll Highway Authority is one of the largest in terms of number of miles of roadway constructed (273.4). Other top mile builders: The Port Authority of New York, the New York State Thruway Authority, the Kansas Turnpike Authority and the Pennsylvania Turnpike Commission. Seven states have toll facilities operated by their transportation departments.

"You'll find that with the authorities there is no one model. They were created at different times for different needs," said association executive director Neil Schuster.

Notable tollways under construction: Dulles Airport (Washington, D.C.) to Leesburg; Denver's eastern beltway, serving as a connector to the new Denver airport.

Farmland loss in Illinois

Northeastern Illinois lost about 444 square miles, or about one quarter of its farmland between 1970 and 1990. Illinois is second only to California in value of agricultural production in its urban-influenced counties, including McHenry and Will counties. There is no statewide plan for farmland preservation or protection that has been effective in curbing leapfrog development.

racy that is out of control," and criticized it for ignoring local concerns. Once abolished, the tollway plans that would place so much prime farmland in Will, Lake, and McHenry counties at risk would be turned over to the Illinois Department of Transportation (IDOT). That would give citizens the chance to snuff out construction plans.

Candidate Netsch doesn't necessarily support the tollway extensions, according to Mike Truppa of the Environmental Law & Policy Center of the Midwest. Truppa said Netsch's campaign has stated that tollway extensions will not necessarily have her backing as governor, despite her plan to turn them over to IDOT. In addition, IDOT doesn't have the money to build the roads, Truppa said.

Truppa said his organization is standing tough against the highway plans.

"It's environmentally destructive, costly to toll

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Tollway, from previous page

and tax payers, disruptive of communities and encourages sprawl. To build the tollways is essentially to roll out a red carpet to developers. It will usher in the next fringe development," he said.

Tollway officials still contend that new highways will improve air quality because they move traffic faster, eliminating tie-ups. Authority executive director Robert Hickman said it is the authority's job "to move people as fast and as safely as we can." Commending the authority's work in completing a limited-access road through DuPage County, Hickman added, "an hour drive now takes 25 minutes, which means cars use less gas and they create less pollution than they would sitting at stop lights."

But gone are the days, counters Truppa, when officials can ignore studies showing that new highways simply create traffic and pollution in areas where there was none.

"Not only will these roads have clear empirical impacts ... but they will have severe impacts on Chicago's efforts to clean up its severe non-attainment zone," under the Clean Air Act. Truppa said his organization is also very much aware of how the tollways "will suck jobs away from the city... the consequences are regional."

Truppa's group is part of an ad hoc coalition trying to generate opposition to the tollway authority plans. Anti-airport activists, too, see a link between continued tollway construction and the proposed airport in Will County, and believe pro-development forces now at work will eventually result in the total urbanization of northeastern Illinois.

In a 1992 study, the Northeastern Illinois Planning Commission warned local governments that the Clean Air Act amendments of 1990, as well as ISTEA directives, strongly implied that better land use planning would be required to achieve the federal mandate of improved air quality. Northeastern Illinois is rated as one of just seven "severe non-attainment areas" for ozone, and is required to reduce ozone-producing emissions by 15 percent by 1996, the year the second tollway extension is to begin.

Ironically, failure to meet the requirements only means the state would receive fewer federal trans-

portation grants, something the tollway authority can scoff at, since it has never used federal dollars to build its 273.4 mile system. Illinois ranks 33rd in the nation for proportion of federal to state funding for roads, something candidate for governor Netsch wants to change.

The Northeastern Illinois Planning Commission recommended a transportation plan for the region founded on intergovernmental coordination and full environmental impact review. The Commission's report included a 2010 Transportation System Development Plan map, which included the proposed tollway extensions cited as "corridors of the future." While the proposed roads were said to be consistent with Commission plans dating back to 1984, the 1992 report stated that the roads "should be the subject of a detailed analysis, not only for transportation design and impact, but also for regional growth impacts."

The Commission's wake-up call to the area's local governments in 1992 was two related pieces of information: that between 1970 and 1990 the region's population increased by just 4.1 percent, but its residential land had increased by about 46 percent. Also, industrial and commercial land use in suburban areas had increased by 74 percent.

These data were a solid indication of the effects of sprawl. While rural areas saw the depletion of land, the urban core was experiencing a severe depletion of human and economic resources. The Commission warned of impending fiscal crisis and bemoaned the difficulty in getting local governments to be concerned about the regional impacts of local zoning decisions. Typical of a regional planning dictum, players know what the problem is, but can't do anything about it.

While the Commission has been the region's leading planning agency, its work is advisory and it tends to stay out of controversy, according to Mike Truppa. That kind of silence, according to Truppa, is almost as damaging as the highway plan itself.

"NIP-C, which wrote the tour de force of [balanced] land development, is doing very little to discourage these roads, which are doing exactly what they warned of," Truppa said.

Parts of this story were culled from an article by Robert Heuer appearing in Illinois Issues magazine, Feb. 1994. Contacts: Mike Truppa, (312) 759-3400; Hal Heimstra, (202) 797-5400.

*Keeping farmers in business***Farmers markets are "rural business incubators"***First in a series on economic development for agriculture*

Participating in a farmer's market is still considered one of the best ways to supplement farming income. For many marketers, the income is more than supplemental.

Some of the northeast's most successful rural entrepreneurs got their start at farmers markets. Researchers at Cornell University call farmers markets rural business incubators.

Two shining examples: The Brown Cow Yogurt Company, one of the largest regional yogurt makers in the northeast, initially tested its product at the Ithaca (N.Y.) Farmers Market in 1974. And an entrepreneurial seamstress, now grossing more than \$5 million with Angelheart Designs, got her start there as well in 1981.

Such successes— on a smaller scale — can be found nationwide according to Duncan Hilchey, agricultural development specialist at the Cornell Farming Alternatives Program. The program took on a study of farmers markets to see just how effective they are as business incubators and what their role could be in rural economic development. The results of the study show that farmers markets, while most successful in the sale of fresh produce, can also be used for a variety of food and cottage industry products.

Hilchey said in the current issue of Farming Alternatives newsletter, published at Cornell, that there are more farmers markets in the U.S. than ever before, and attributes the rise of farmers markets over the last two decades to the energy crisis of the early 1970s.

"What we have found in our study is that farmers markets create an important pathway for entrepreneurs that bridges the 'informal' and 'formal' economy. These markets are helping thousands of farmers and other entrepreneurs to start, expand, or improve their businesses. Farmers markets ... allow entrepreneurs to enter the marketplace at low cost and low risk."

*please continue to next page***etcefera ...****Budget slashing hits Ventura County program**

Ventura, Ca. — Budgetary hard times remains a way of life in California, making Williamson Act programs, administered at the county level, vulnerable to budget cuts.

Ventura County, north of Los Angeles, has had its Williamson Act budget cut and layoffs are in effect, according to Gene Kjellberg, program administrator. About 60 percent of the program's budget comes from the county's general fund, "so we're very vulnerable when the Board of Supervisors has to decide where to cut," he said.

The Williamson Act combines tax relief with land use restrictions in an effort to keep farmland in farming. Participation is voluntary for landowners and county governments, and counties have some discretion in criteria for landowner participation. Counties are not required to participate, but are partially reimbursed for revenues lost to the property tax break. The program's non-mandatory status also adds to its vulnerability in county budgets, Kjellberg said.

According to a 1989 study by the University of California, Ventura County is 10th in the state for percentage of urban prime land enrolled under the Williamson Act, with about 26,000 acres, or 3.8 percent of the state's total urban prime Williamson Act acreage. In the study, Ventura was included in a 12-county sample, and in a composite measure of landowner perceptions of the Williamson Act and its purpose, was ranked 10th out of the 12 for program stability. At the time of the study, the annual cost of administering the program in Ventura County was estimated at \$125,000.

A major push in the state to create a stronger business climate, with more money targeted at public safety could also point to hard times for farmland protection. "We thought we had turned the corner, but there are still some real systemic problems here," Kjellberg said. *Kjellberg, (805) 654-2455.*

Midwest to see first local easements

Traverse City, Mi. — Voters in Peninsula Township, on Michigan's Grand Traverse Peninsula, passed a referendum that will increase property tax millage for dedicated farmland protection funding. The increase is expected to generate \$2.6 million annually. Funds will be available to the township's new farmland conservation easement program next May, according to township planner Gordon Hayward.

The township, which includes the two-mile wide, 14-mile-long Old Mission Peninsula with its world famous cherry orchards, has identified 9,200 acres it would like to preserve, about 20 percent of the township's farmland.

The program will use installment purchases, and estimates

the average easement cost per acre at \$2000.

Hayward said the township is developing a comprehensive land protection program to boost easement purchase, using the transfer of development rights (TDR), clustering, and promotion of the state's open space agreement program, in which tax breaks are given for development restrictions. State legislative authority must be granted for TDR, Hayward said.

Hayward, who coordinated talks with about 130 farmers and has gathered support over the last two years for the concept of conservation easements, expects the easement program to be a success.

"We anticipate more will apply for the program than we'll have money for," he said. *Hayward, (616) 223-7322.*

AFT opens field office in Boca Raton

Boca Raton, Fl. — After several years of building support for farmland protection in Florida, the American Farmland Trust opened a new office in Boca Raton Aug. 10. Senior associate Craig Evans, who has spearheaded AFT efforts in Florida as well as in Kentucky for the last two years, will head up the new office.

Other full-time staff at the new location are Andrew Mellinger, a field specialist with AFT one year, and Lisa Mulhall, a land use attorney who recently served as consultant to the AFT in Palm Beach and Dade counties. Immediate projects, according to Mellinger, are the Panther Project, an effort that encourages farmers to enter a 25-year "conservation lease" to provide panther habitat, and involvement in Palm Beach County's comprehensive plan update. *AFT Boca Raton field office: (407) 995-1454.*

Delaware shows beginnings of state planning

Dover, Del. — A cabinet committee formed in 1991 but meeting only since last spring has stepped forward to comment on a plan in New Castle County to expand a growth area into a farming region.

The committee's comment: can it.

In a four-page letter to New Castle Planning Director Bryan Shuler the committee recommended that county officials instead expand existing facilities in already developed areas, and that the proposed growth area "is not advisable at this time" and that such a move "encourages sprawl."

The recommendation marked the first time the state has provided a unified response to local planning, according to Stewart McKenzie of the Department of Agriculture, Ag Lands Preservation Section.

The committee said the loss of farmland and open space is one of its most critical issues, and that the committee "is dedicated to establishing a cooperative working relationship to support sound comprehensive planning ... for creating liveable and efficient communities in Delaware." *Contact: Jeffrey Bullock, chief of staff, (302) 739-4101.*

Farmers markets, from preceding page

Of the 115 vendors who participated in the Cornell study, 38 percent had no business before joining their farmers market, while 48 percent operated on a small scale from their farm or home.

In northern New Jersey last year, the North Jersey Farmer's Market Council was formed to sponsor the creation of local farmers markets. The council promotes local operations with the assistance of a \$8000 matching grant from the state department of agriculture's "Jersey Fresh" program. The council produced a full color poster listing locations and hours with the theme "Re-establishing the home-grown tradition" and reminding the public that New Jersey is "still the Garden State." Thirteen markets are currently promoted, and the council does all the legwork in setting up hours and days of operation to best advantage. Farmers pay nominal fees to each town to participate, and communities in turn pay the council \$20 dues. The council requires, and backs through inspection, that farmers sell only foods they grow. Growers are allowed, however, to bring in up to three items for resale.

In St. Mary's County, Maryland, marketing local products has become an established county service to farmers and watermen, according to full-time ag development specialist, Donna Sasscer. Radio announcements, a watermen's directory, and an advertising placemat used in seafood restaurants are some of the ways the county promotes its seafood vendors. Radio is also used to promote the local farmers market, at low-cost to the promotion program, Sasscer said.

"We try to work with [the broadcast company]. We say we appreciate what they do and this is what we can afford," she said.

St. Mary's ag economic development program got a boost last year when the state began a local grants program for Southern Maryland farmers who want to try a new enterprise, such as aquaculture or shiitake mushrooms. Started in 1992, the program was allocated a portion of an increased cigarette tax to promote alternative crops in five southern Maryland counties that had a traditional reliance on tobacco. St. Mary's got a head-start on acquiring the grant monies, possibly because of Sasscer's full-time status.

RTC conservation lands**Preservation economics focus of plan***continued from page 1*

The only problem: Walton County officials said the state's purchases have taken too much land off the county's future tax rolls.

The solution, said Banning, was to create the South Walton Conservation and Development Trust, a charette team developing a comprehensive plan with a focus on the economics of local land protection.

Working under a state grant of \$800,000, the team is finishing a vision plan that "will try to capitalize on the relationship of state and private land ... to learn how to manage the conservation function and the economic development function, how to develop private land so it takes advantage [of adjacent protected lands]," Banning said.

"They are hopeful the process they are using can be a model in situations like this — where large land purchases are perceived locally as a disruption of the market," Banning said.

"It's a whole new way of looking at land use in terms of stewardship," said Anton Neleson, a New Jersey planning consultant hired to work with the Trust. The charette team has explored the use of environmental deed restrictions, Neleson said, to protect natural values on adjacent private lands.

A model for conservation planning and mitigation could be useful depending on the success of an upcoming national RTC sale of what RTC administrator Hein calls "special environmental resource properties" including wetlands or endangered species habitat. The sale, a sealed bid auction still in the planning process, is to take place before the end of the year and will include 65 to 80 properties. The properties will range from one-eighth of an acre with a historic building to thousands of acres of wetlands, Hein said.

"We will target conservation agencies and try to match our marketing to conservation interests," even though the sale will not be limited to nonprofits and governments, Hein said. Title work and appraisals will be complete. Properties are located in California, Texas, Colorado, the southeast, and all over the east coast, although no list is yet compiled, Hein said.

The Trust for Public Land, The Nature Conservancy and the Conservation Fund are the RTC's biggest buyers of conservation lands, but the nation's smaller land trusts have not taken advantage of the RTC's listing.

"The 700 to 900 land trusts are very local, very focused. I can't think of a single sale to any of them," Hein said, adding that lack of money and properties not located in their particular areas are the reasons he feels land trusts aren't participating.

Caroline Pryor of the Maine Coast Heritage Trust, one land trust that has explored the RTC listing, said the properties had no interest

legislative and program briefs ...

In Pennsylvania ... The Center for Rural Pennsylvania announced it hired Marion Bowlan as coordinator of the state's new Farm Link Program, which matches retiring farmers and other interested landowners with individuals who want to enter farming. The phone number is 1-800-9PA-FARM.

In an upcoming brief session, the legislature may hash out agreements on five or six bills that target the five-year-old farmland preservation program for reforms. The proposed changes focus on subdivision, the per-acre cost of easements and reallocations. HB 1629 would place a cap of \$10,000 per acre on easement offers and would address the "phantom county" issue — allocations going to counties that have no programs. It would allow counties two years, rather than the current three years, to spend their funds before they must be returned for reallocation.

In Rhode Island ... The Town of Cumberland wanted to head off the likely development of a farm on the town's periphery. Without a state easement program, but with leftover 1988 open space bond funds, the town decided to do fee simple in a big way: \$1.25 million for 68 acres. The town plans to keep the farm and lease it, according to N. David Bluley, town planner. The town has acquired about 500 acres of open space, including the farm, he said.

The state farmland preservation program remains unfunded, and a hoped-for bond referendum that would have replenished the fund, was lost in the capital budget shuffle, according to state planning director Dan Varin.

While land preservation lost out, historic preservation made a gain: the budget contains a bond issue of \$4.5 million for a historic preservation grant/loan program. The loans will be available to individuals for historic building restoration.

In Michigan ... The state Farmland and Open Space Preservation program purchased its first farmland easement Aug. 11 on a 72-acre vineyard on the Old Mission Peninsula, where voters recently approved a local measure that will dedicate additional property tax revenue to a local farmland conservation easement program. The state program has an \$11 million fund to be used for open space and farmland easements.

In Delaware ... A move toward state planning is gaining acceptance within the executive branch,

please continue to next page

as a special cabinet committee explores planning issues. Recently the committee responded to a Newcastle County plan to create a growth area of 16 to 18,000 acres with sewer service. "It was the first time the state has given a unified response to local plans — they thought that sewer plans in a farming area should be canned," said Stewart McKenzie of the farmland preservation program. However, the governor still does not want to create a state planning office.

The farmland preservation program is finalizing its PDR regulations. The program will soon go before the public, with officials releasing a strategy map based on soils, sewer availability and ag investment. The program remains unfunded, but land use data that has been collected and analyzed could serve as the foundation for state planning efforts.

In New Jersey ... The state program is gearing up for its "fall season" according to administrator Don Applegate. In the coming month, 48 farms comprising 6,500 acres are ready for easement purchase. Counties are lining up applicants for the 1995 round, with appraisals ordered on over 9,000 acres. "The one-year cycle is really starting to pay off," Applegate said. Changes to further fine-tune the program are underway, including an easier application process for subdivision. On Oct. 18 the state program will sponsor a workshop for county administrators. Lancaster County, Pa. administrator Tom Daniels will discuss innovations that increase landowner options in the easement sale process.

In California ... The Senate Committee on Local Government recently summarized the legislature's land use related bills acted on in 1994. They included: SB 1534: increases the information public agencies must produce before placing public works on Williamson Act lands; AB 2663: requires land use on Williamson Act contracted lands to conform to statutory principles; AB 3152 enacts the Transit Village Development Planning Act with incentives for higher-density, mixed-use development near rail transit stations. All three bills are ready for the governor's signature.

In Congress ... AFT president Ralph Grossi testified in favor of H.R. 3079, a bill that would protect the watershed, natural resources and farmland bordering the Point Reyes National Seashore and the Golden Gate Recreation Area near San Francisco. The bill would allow use of conservation easements to protect lands adjacent to the park, an approach that could be used at other national parks, Grossi said.

A slew of Heritage Area bills, including the Bruce Vento bill creating an American Heritage Area Partnership Program, have become an omnibus bill being debated in the House at press time.

RTC, from preceding page

for them. "We looked at their inventory and there has been nothing that was of conservation interest. Their inventory in Maine is mostly condominiums," she said.

Kathy Barton of the Land Trust Alliance, the national organization of local and regional land trusts, is aware of the RTC inventory and sent a memo to members asking for input on participation. The Maine Coast Heritage Trust was the only one that responded, she said.

Despite limited land trust participation, the RTC has sold over 50,000 acres of natural resource, conservation and cultural and historic preservation properties, with a combined value of about \$435 million, according to Hein. The purchases are exclusively to nonprofit and government agencies, with The Nature Conservancy often serving as intermediary to conservation land sales, he said.

Contact: Walker Banning, (904) 487-4545; Tony Nelesson, (609) 497-0104; Michael Hein, (202) 416-6900. A monthly listing of RTC properties is available by calling 1-800-466-6288.

National Resources Inventory

Latest federal data on land use changes released

WASHINGTON, D.C. — The nation's non-federal rural land decreased by 18 million acres between 1982 and 1992, according to recently released data collected and analysed by the National Resources Inventory (NRI).

Conducted by the Soil Conservation Service, the study is performed every five years and shows changes in land use. The NRI stands as the most comprehensive database available on natural resources on nonfederal lands, about 74 percent of the nation's land area.

Between 1982 and 1992 cropland decreased by about 39 million acres — most of it, 32 million acres, being put into the Conservation Reserve Program.

Developed land increased by 14 million acres (18 percent more than the 1982 figures). The land converted had been pastureland (2.5 million acres), rangeland (2 million), forest land (5.4 million) and cropland (4 million). In 1992, developed land totaled 92.4 million acres (nearly 5 percent of the U.S. land base). About 4 million of these converted acres were rated as prime soils.

Wetland loss, according to the inventory has slowed to about one-third of loss estimated by the Department of Interior's Fish

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Farmers' markets

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"The purpose of the program is not to replace [tobacco] but to identify practical and feasible new crops and enterprises that should be considered by farmers," said Candy Walter of the Tri-County Council for Southern Maryland, which administers the grant program. A total of \$30,000 has been allocated in individual grants of between \$500 and \$2500 in the program's first year. The 25 on-farm demonstration or research projects awarded include experiments with canola, edible soybeans, miniature roses, blackberries and red raspberries, garlic as a cash crop, annual strawberry production and sunflowers and sorghum for bird seed.

Each project must include a plan for sharing information with other farmers, which can include assistance from extension agents or others. The program has been funded for a second year, Walter said. *Contacts: Duncan Hilchey, Cornell Univ., (607) 255-9832; Donna Sasscer, (301) 475-4404; Candy Walter, (301) 884-2144.*

NRI

Land use changes

continued from page 5

and Wildlife Service between 1974 and 1983. But the rate of loss could well be relative to how many acres of wetlands there are left to be converted.

"To some degree, a lot of wetland drainage is already accomplished," said Gale TeSelle of the SCS. "But I really believe

there has been some positive change in the countryside in the view of wetlands." TeSelle added that any conversion of prime farmland is considered significant.

Data for the 1992 NRI were collected from more than 800,000 locations by SCS field personnel and resource inventory specialists. The NRI datacollection for 1992 began in the fall of 1991 and concluded on June 1, 1993.

The NRI database is available by region on four CD ROM disks at \$100 each. NRI summaries and fact sheets are also available. Contact TeSelle at (202) 720-5420.

resources ...

Publications

• **How Superstore Sprawl Can Harm Communities: What Citizens Can Do About It**
By Constance Beaumont
National Trust for Historic Preservation, 120 pp., \$12

The National Trust continues its campaign to educate communities on the non-economic benefits of Wal-Mart and other "big-box" retailers that prey on small town America. This guide discusses the social, economic and environmental implications of sprawl and documents superstore wars around the country. Call (202) 673-4031 to order. A \$3 p&h fee is added.

Conferences & Workshops

Oct. 26 - 30, Boston: 48th National Preservation Conference sponsored by the National Trust for Historic Preservation. Theme: Preservation, Economics and Community Rebirth. A Planning track includes workshops on Preservation in the Comprehensive Planning Process; Statewide land-Use Planning; Transportation Planning Enhancements with ISTEA; Corridor Management for Scenic Byways; Preservation and Sustainable Communities; Containing Urban Sprawl Through Grassroots Organizing and Local Public Policy; "Tools" track includes: State Legislation for Taming the Auto and Containing Sprawl; Historic

Preservation and Property Rights: A Look at State Legislation. Overlaps first two days of land trust conference (see below). For conference information call 1-800-944-6847.

Oct. 29 - Nov 2, Chattanooga, TN: Rally 94, the national conference of the nation's land trusts, sponsored by the Land Trust Alliance, features a comprehensive assortment of nuts-and-bolts as well as issue-oriented workshops. A good selection of enjoyable and educational field trips is always part of this large and well-organized gathering. Workshops include: Introduction to Farmland Protection; Drafting and Monitoring Agricultural Easements; Convincing Local Governments to Finance Open Space; Getting ISTEA Funds for Your Land Projects; Balancing Conservation and Development Through Design; Building Community Coalitions—Expanding Your Impact. Conference overlaps the last two days of the National Trust conference in Boston. Call LTA at (202) 638-4725 for registration materials.

Dec. 7-8, Pittsburgh, PA: International Industrial Site Recycling Conference. Over 500 delegates are expected to attend this meeting sponsored by the Engineers' Society of Western Pennsylvania, and by two committees of the Pa. legislature representing a bi-partisan effort that resulted in overwhelming Senate approval in April of a three-bill package to encourage the reuse of existing commercial and industrial sites. For conference information, call the ESWP at (412) 261-0710.

March 26 - 31, 1995, Santa Monica Mtns., CA: The Trust for Public Land will offer its 5th National Land Counselor Program, an intensive week of training for land trusts in land acquisition techniques. Interactive workshops include project selection and design, negotiations, and tax aspects. Class size limited to 15 land trusts. Deadline for applications is Nov. 15. Write Heidi Hopkins, TPL, 116 New Montgomery St., San Francisco 94105.

April 22-26, 1995, Minneapolis, MN: 10th Annual Landscape Ecology Symposium of the International Assn. of Landscape Ecology. Sponsored by the University of Minnesota and the Minnesota Dept. of Natural Resources. "This symposium will critically examine landscape ecology as a means of addressing the ecological consequences of human activity." To receive a call for papers and/or registration materials contact Nancy Grubb, (612) 625-6358.

farmland preservation report

... covering the policies, practices and initiatives that promote farmland and open space retention

FARMLAND PRESERVATION SUMMIT

Farmland protection experts: more federal action needed

SPARROW BUSH, N.Y. — The United States needs a comprehensive farmland policy that includes financial incentives to state and local governments for locally-initiated preservation efforts, according to farmland protection specialists gathered at the Eddy Farm resort near Port Jervis, N.Y.

The gathering, called the Farmland Protection Working Group, was organized by the American Farmland Trust.

Twenty-four professionals from local and state governments, academia and non-profit organizations were invited to participate "in a strategic initiative to advance the nation's farmland protection agenda," according to a letter to invitees from AFT president Ralph Grossi.

Grossi said the AFT felt it was "time to conduct a critical assessment of the progress of existing efforts to protect farmland and to consider new techniques and strategies to address this multifaceted issue." The upcoming farm bill debate, he

said, is an opportunity to seek greater attention to the issue of farmland protection in the development of farm policy.

Participants were asked to present key questions for debate and recommendations on what new or additional farmland protection techniques and strategies are needed for progress.

The meeting was timely in relation to AFT's national agenda: in addition to urging stronger conservation policies in the new farm bill, the AFT is pushing for an allocation of \$100 million for the Farms for the Future (FFA) Act, which will subsidize state farmland protection programs through guaranteed loans and interest subsidies.

In addition, the final rules, incorporating amendments, for the 1981 Farmland Protection Policy Act were published June 17, after more than a decade under administrations unfriendly to land protection efforts. The FPPA requires all

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Vermont: Farms for Future program is "workable, efficient"

MONTPELIER, VT — The Farms for the Future Act (FFA), enacted in 1990 to provide federal loan assistance for farmland protection, has been working well, at least in Vermont, according to James M. Libby, general counsel of the Vermont Housing and Conservation Board.

Vermont is the only beneficiary of the FFA, serving as a pilot for the program. Once fully funded, the FFA will provide loan guarantees and interest assistance to states with farmland preservation programs established by Aug. 1991.

Libby told participants of a farmland preservation conference in New York that the partnership between the Board, the Farmers Home Administra-

tion, (FmHA) which administers the loan assistance, and private lenders has been "both workable and efficient."

The Board uses earnings generated by the

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Farmland experts gather, talk about programs, progress

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federal agencies to use the Land Evaluation and Site Assessment (LESA) process to determine the adverse effects of agency activities on farmland.

Lloyd Wright, who developed the LESA system at SCS in 1983, told the Farmland Protection Working Group that many federal farm policies work against each other, and that a comprehensive farmland protection policy is needed. He said he was drafting recommendations for the farm bill that include the USDA providing more technical assistance to state and local governments on farmland protection as well as funding for the FFA.

Wright said in an interview that the federal role should be to provide information to states on how to protect farmland. "It's time we start rethinking where we are and where we want to go, to determine how some programs may conflict with others. A lot of information came out of the meeting."

Mark Lapping, Dean of Rutgers University's School of Planning and Public Policy, said federal technical assistance should be provided in the form of grants for local planning.

At the Eddy Farm conference, farmland preservation administrators told the group how state and local easement programs can evolve. Donald Applegate, executive director of the New Jersey State Agriculture Development Committee, said that when his program's provision for 20-year easements was addressed by counties, they unanimously voted down their use, citing that appraisals for 20-year easements would be too costly for a temporary benefit — it was estimated appraisals for 20-year easements would start at 75 percent of a perpetual easement. The state board was pleased that the counties rejected the idea, Applegate said.

Instead, New Jersey county administrators suggested the state explore the use of 20-year districts, with attractive benefits for improving or building farm facilities or implementing conservation practices.

Applegate said in an interview that the New Jersey program's current use of soil and water conservation grants to localities is a link between public and landowner benefits, and a model that can be built on.

"We're looking for more of those links ... we're at the point now where we've got a program in

orderly shape, on an annual cycle that's very predictable. The past year has been a renaissance for the program. The counties are stepping back to look at where we are and where we're going ... the sky's the limit in terms of ideas." Applegate said a more proactive approach in working with landowners is likely to evolve.

Tom Daniels, executive director of the Lancaster County (Pa.) Agricultural Preserve Board, said that farmland preservation programs need an "integrated approach" that combine planning, zoning, easements, tax incentives and a federal support framework.

The Lancaster program builds on agricultural zoning — its "first line of defense" — Daniels said. Nearly all of Lancaster's 41 townships have agricultural zoning, usually restricting development to one unit per 25 acres. About 320,000 acres are protected under the zoning. About 120,000 acres are enrolled under the state district program, and 17,300 acres are under easement in Lancaster County.

Daniels said the county preservation program has worked to create large blocks of land and rings of preserved farms around towns and villages, creating an urban growth boundary effect. Six "UGB's" are in place through easement purchases, he said.

Agricultural zoning, easements, tax benefits, and economic development programs, such as farm cottage industry zoning, are part of Lancaster's integrated approach. The only significant obstacle to implementation elsewhere is the "lack of political courage on the part of elected officials," Daniels, an agricultural economist, said.

Daniels told participants that a "ISTEAing of the USDA" might be the best approach for federal involvement, making grants available to localities for special projects such as farmland preservation.

AFT President Ralph Grossi said the AFT would be pushing its national agenda for the "greening" of farm programs, preparing the way for broad support of a farm bill that will eventually replace deficiency payments with payments for stewardship practices. The AFT has stated that the opportunity to move farm policy in the direction of stewardship supports may be a brief one, but that 1995 is the time to act.

In an interview after the conference, AFT Com-

please continue to next page

Experts, from previous page

munications Director Gary Kozel said the AFT had not yet digested the recommendations and comments brought forth at the meeting, but that the objective "was to get the best advice we could from the best farmland conservation experts nationwide," and to develop a solid basis of recommendations "we can carry forward to the farm bill debate. One of the ideas that came forth was that more attention needs to be devoted to farmland protection," Kozel said.

While the consensus from the meeting was that a comprehensive approach at the federal level should be sought, it will likely be a tough time for the AFT, some participants said. "The consensus was that the federal government should have a more comprehensive approach," to farmland protection, said Don Applegate. "I think what the AFT is trying to do nationally is an uphill fight."

That fight, however, is one for which the AFT has long prepared. In a recent interview, Edward Thompson Jr., Director of Public Policy for the AFT, said a second phase of a study they produced last year called "Farming on the Edge" will build support for farmland protection by showing it has a broader importance, well beyond food production.

"We'll show what it means to the economy, the environment and the quality of life to the majority of Americans. We need to look at farmland more broadly than we have in the past," Thompson said.

Contact: Don Applegate, (609) 984-2504; Tom Daniels, (717) 299-8355; Lloyd Wright, (202) 720-1853; Gary Kozel, (202) 659-5170.

State of New England

Half of New England states remain inactive in farmland easement purchase

New England states are evenly split between those currently operating farmland preservation programs and those that are not. Massachusetts, Vermont and Connecticut currently have funded programs, while New Hampshire, Maine and Rhode Island do not.

In New Hampshire, a program that was terminated last year placed about 5,000 acres of prime

farmland under easement, but the program's main focus was natural and forest lands. No farmland protection program exists in New Hampshire currently, and no program is likely to be created as the recession grind lingers. As the state braces to lose even more federal dollars, neither the governor nor the legislature are in a mood to think about land conservation as a way to spend money they don't have, according to Paul Doscher of the Society for the Protection of New Hampshire Forests.

In Maine, the situation is no better. Several years ago, the Land for Maine's Future, a program established in 1987, purchased an easement on one 307-acre farm for \$380,000. No farmland protection activity has occurred since. There is no farmland preservation program and no personnel to administer one, according to Bill Seekins, of the Department of Agriculture and Rural Resources. The Maine program was not slated as a farmland preservation program, but a program that would protect "lands of state significance," that could include farmland.

Rhode Island established a program in 1981, but it has been rendered almost lifeless from lack of funding. The program has preserved just 2,429 acres on 30 farms. However, state planning director Dan Varin says there is now hope for funding. A bond referendum that would secure between \$3 and \$4.5 million for could soon win approval of the legislature, he said. The money would allow the program to continue easement purchases, which have remained few but steady, Varin said. In 1993, just two purchases were made.

"That exhausted our funding and at the moment we're out of business," he said. About 30,000 acres of farmland remain in the nation's smallest state, but are rapidly disappearing despite strong citizen support for land protection.

While he knows of no significant opposition to the bond proposal, Varin said there are many new members in the legislature who are not familiar with the program. However, if the referendum is approved, Varin said the people of Rhode Island will likely vote to protect open land. "The program has always done well on referenda," he said.

The Agricultural Land Preservation Commission continues to meet monthly despite lack of funds, and has been busy producing an educational video. *Contact: Dan Varin, (401) 277-1220; Paul Doscher, (603) 224-9945; Bill Seekins, (207) 287-3511.*

Dolan decision**Reversal of burden most striking aspect; some cite bright side for planning**

WASHINGTON, D.C. — In a 5-4 ideological split, the Supreme Court voted June 24 to limit the ability of governments to require that developers or builders provide a part of a proposed building site for environmental benefits or public use.

Observers differ in their assessment of how the decision will affect land use planning. Some say there is a bright side.

In *Dolan v. City of Tigard*, the Court held that an applicant for demolition and expansion of a plumbing supply store along a creek in Tigard, Oregon, could not be required, without compensation, to dedicate part of her property for a greenway and a bicycle path. The court majority said that such a requirement constituted a taking unless the government can show "a rough proportionality" between the requirement and the particular harm posed by the project, such as increased danger of flooding.

The most striking aspect of the "rough proportionality" decision is the court's reversal of the burden of proof: earlier decisions placed upon the landowner the burden of showing that a regulation removes or substantially decreases a property's value. In *Dolan*, the court has turned the burden upon the locality, which now must justify restrictions.

Chief Justice William H. Rehnquist, wrote regarding the burden of proof and relationship question:

"Since state courts have been dealing with this question a good deal longer than we have, we turn to representative decisions made by them.

"In some states, very generalized statements as to the necessary connection between the required dedication and the proposed development seem to suffice ... We think this standard is too lax to adequately protect petitioner's right to just compensation if her property is taken for a public purpose.

"Other state courts require a very exacting correspondence, described as the "specifi(c) and uniquely attributable" test ... We do not think the Federal Constitution requires such exacting scrutiny, given the nature of the interests involved.

please continue to next page

etcetera ...**Lapping to be provost, v.p. at Southern Maine**

Mark B. Lapping, co-author of *Small Town Planning Handbook* and *Rural Planning and Development in the United States*, will become Provost and Vice President for Academic Affairs at the University of Southern Maine, in Portland, effective Aug. 1.

Lapping has worked to give rural planning increased credibility in the planning community. In 1989 he was the founding dean of the Edward J. Blaustein School of Planning and Public Policy at Rutgers University, where he has served since. He served as chair of the American Planning Association's Small Town and Rural Planning Division in 1990-91 and was Dean of the College of Architecture and Design at Kansas State University from 1984 to 1989. He was a founding director of the School of Rural Planning and Development at the University of Guelph in Ontario.

At Southern Maine, Lapping will oversee the Muskie Institute for Public Policy, and will seek to strengthen its community and planning development program, he said.

Lapping writes an annual review of farmland protection activities in the United States for an international publisher, using *Farmland Preservation Report* as his leading source of information, he said.

Lapping has advocated infrastructure planning to curb development of farmland. At a 1992 conference in New York Lapping said that because public investment shapes the land market, planners should coordinate capital facilities with land use goals. Lapping also said that farmland preservationists were spending too much time worrying about high land values, and too little time finding ways to make farming more profitable. *Lapping (until Aug. 1): (908) 932-2993.*

\$20 million up for grabs in New Jersey TDR bank

The New Jersey legislature appropriated \$20 million out of open space bond funds last year to serve as an incentive and back-up for localities using the transfer of development rights, but localities are slow to approve TDR programs, according to Don Applegate, executive director of the State Agriculture Development Committee. The funds are "fundamentally available," Applegate said.

The money will be appropriated from the 1989 Open Space Preservation Bond Act. A 10-member board, chaired by the Secretary of Agriculture, will govern the TDR bank.

The bank is designed to facilitate transfers of devel-

opment rights in hardship cases for the seller. The bank cannot retire development rights, but can sell or transfer them.

Since 1989 when the state legislature passed the Burlington County TDR Demonstration Act, Burlington County planners have helped several municipalities study TDR and potential sending and receiving areas. Burlington County published a substantial TDR handbook for New Jersey municipalities, even though TDR cannot be approved anywhere else in the state. Several bills authorizing TDR statewide have failed.

Despite the lack of authority, some localities continue to study TDR as a farmland protection technique. Upper Freehold Township in Monmouth County and Flemington Township in Hunterdon County are likely places for TDR germination, according to local planners. Upper Freehold Township is seriously studying the potential for TDR, according to Karen Fedosh of the county planning board.

"They haven't said no yet. I believe they are serious and they've been making minor steps toward it. Their major focus of concern is septic and water supply." A high profile study review committee has been working with a consultant, Fedosh said. *Applegate: (609) 984-2504; Fedosh: (908) 431-7460.*

Final Rules for Farmland Protection Policy Act

Washington, D.C. — The final rules to implement amendments to the Farmland Protection Policy Act were published June 17, eight and a half years after they were proposed. The rules spent idle years in administration's unfriendly to federal involvement in land use planning.

The FPPA was enacted in 1981, and the first final rules, prior to amendments, came out in 1984.

Some of the amendments were made by Congress, but others were changes made by the Soil Conservation Service, including a revised definition of prime farmland. Under the revision, federal agencies will be required to perform a Land Evaluation and Site Assessment (LESA) review, even on land designated for development in a locality's comprehensive plan.

The FPPA requires federal agencies to submit a "Farmland Conversion Impact Rating Form" to a local SCS field office when a federally sponsored program or project contributes directly or indirectly to conversion of important farmland. A release from the USDA said projects include loans to construct houses on farmland and federal funding for the construction of highways, reservoirs, airports and local sewer and water systems. *For more information about the FPPA, or for a copy of the final rule, contact Lloyd Wright or Ginny Cohn, (202) 720-2847. A book on the LESA process, "A Decade with LESA," was published recently by the Soil and Water Conservation Society. Call 1-800- THE-SOIL.*

Dolan, from preceding page

"We think the "reasonable relationship" test adopted by a majority of the state courts is closer to the Federal constitutional norm than either of those previously discussed. But we do not adopt it as such... We think a term such as "rough proportionality" best encapsulates what we hold to be the requirement of the Fifth Amendment. No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development."

The court held that the findings provided by the City of Tigard did not adequately show the required reasonable relationship between the floodplain easement and the petitioner's proposed building, and between the increased traffic and the dedication of a bike path.

Mitch Rohse of the Oregon Department of Land Conservation and Development said it was ironic, "and a blessing" that a major land use-related Supreme Court case coming out of Oregon had nothing to do with the state's nationally renowned land use law.

The bright side of the decision, Rohse said, was that the decision was about exactions, not about downzoning, which happened on a massive scale when the state enacted its landmark state planning law in 1973.

Land use attorneys for environmental protection organizations differ in their assessment of the Dolan decision. Some say it places a more time-consuming and expensive burden on local governments and on developers; others say the test now required by the court is easily reachable.

Tim Searchinger, an attorney for the Environmental Defense Fund, said local governments would be able to meet the test, that "localities shouldn't be scared by this."

Kerry Kehoe, an attorney with the Coastal States Organization, said the most significant part of the opinion, one that local and state governments should keep in mind, is that safety can be found by simply banning development in flood plains or environmentally sensitive areas. The recognition that piecemeal proffers are no longer a reliable process, he said, could be a boost for land use planning.

Parts of this story were derived from a June 25 article in The New York Times by Linda Greenhouse.

Federal role, paperwork minimal in FFA

continued from page 1

investment of FFA guaranteed loan proceeds to supplement state and private revenues to buy conservation easements on farmland.

In an interview, Libby said that unlike many federal programs for which paperwork can be overwhelming, the Farms for the Future program minimizes the role of FmHA. "They really don't have much of a role. It's worked out pretty well. It's difficult on the front end, in selecting the bank, [but] we're happy with the program." Libby said the ease of implementation may have been a fluke, resulting at least partly from the way the regulations have been interpreted.

Under FFA, the Farmers Home Administration (FmHA) can guarantee and subsidize a loan of up to \$10 million from a financial institution to the state, if the state has met the required match of \$5 million in other funds.

However, the \$10 million is not used directly for easement purchase, but rather invested, so that the interest can be used for that purpose. That wasn't clear in the legislation, Libby said. "It wasn't clear that \$10 million was only \$920,000," he said. But this way, the state won't have to find \$10 million in its budget to pay back the loan, he added.

The board has used that \$920,000 in interest earnings to help protect 5,377 acres on 16 farms. The money is allocated as grants to entities such as the Vermont Land Trust and the state Department of Agriculture, which then carry out the easement process. The grants also cover administrative costs, including legal and professional services.

During the first three years of the program, the Vermont Housing and Conservation Board was eligible for the maximum amount of federal assistance — \$10 million, each year. The state qualified because it had an established farmland preservation program and because it met the one-time match requirement of \$5 million.

Through a competitive process open to all lenders in the state, the Board accepted proposals from three banks. Under the transactions, the Board will earn a total of \$2.1 million annually. FmHA pays all interest during the first five years, but the subsidy is reduced over the next five years of each loan. In addition, the Board must pay a one percent guarantee fee to FmHA for each transaction.

The Board combines the FFA funds with other public and private funds when purchasing conservation easements. Because of restrictions on other funding sources, the FFA funds help to complete the necessary expenditures for easement purchase. For example, state bond funds cannot be used to cover noncapital expenditures. Libby noted that the FFA funds also are critical in leveraging additional private money for the nonprofits involved in the partnership.

An aspect of the program that's an additional boon, Libby said, is that the involvement of banks in the process makes the financial community more aware of agricultural issues. "Though not necessarily measurable in dollars, this is quite important, at least in a small

legislative and program briefs ...

In Maryland ... The program received 224 applications in its July 1 deadline. The state board will ask counties to prioritize and send back their top 50%, which will be appraised. The program recently made offers on 25 of last year's 99 approved applications. About half of the 25 offers have been accepted. The average asking price per acre was \$2,105. The 25 farms comprise about 3,738 acres. The program has \$10 million for FY95, which will be divided into its two application cycles.

In Delaware ... A committee is meeting to consider options for funding the farmland preservation program.

In Pennsylvania ... Counties are selecting farms and conducting appraisals for the 1994 year. The state program receives about \$11 million through the state's cigarette tax in mid-July. Once those funds are expended, the program has authority to sell another \$25 million in bonds. The program will begin settling in mid-August on applications that have been approved since February, according to Fred Wertz, program director.

In New Jersey ... This spring the program resold three farms purchased in fee simple through its purchase and resale option. Upper Freehold Township in Monmouth County is updating its master plan and will incorporate provisions to allow TDR to occur. The master plan, still in draft form, has eliminated the township's one-acre zoning and officials are considering one and a half to three-acres, with performance zoning.

The state's newly created TDR bank has \$20 million "fundamentally available" through the state's open space bond money, according to Don Applegate, director of the State Agriculture Development Committee.

In Massachusetts ... Legislation has been filed by the governor for a \$300 million bond bill. Another separate bill has been introduced for a \$10 million appropriation to the Agricultural Preservation Restriction program.

In Oregon ... The state's 360 unincorporated rural communities are the topics being addressed by state planning in the upcoming year — how to plan for resource protection and appropriate level of services, according to Mitch Rohse of the state Department of Land Conser-

please continue to next page

vation and Development. In the upcoming year, the state plan's Goal 5, to conserve open space, will be revisited with the objective of making it more effective and easier to implement. Public hearings on Goal 5 are underway.

In California ... The California Farm Bureau Federation is working to stop plans for a golf course on Williamson Act land in Stanislaus County. The Audobon Society has joined in the suit. Last year the Federation filed a suit to stop a condominium development at a golf course in Toulumne County. This year the developer decided not to pursue the plan.

The bureau, active in land protection issues, continues to pursue tighter regulations on development of Williamson Act lands.

The legislature may consider putting a bond measure on the ballot in November to set up a fund of perhaps \$300 million for conservation projects statewide, according to Erik Vink of the AFT. A "Land Stewardship Program" proposal that could be introduced in January could eventually set up funds for farmland easement demonstration projects on a statewide basis.

Vink reports activity on the California Endangered Species Act, which would affect farming practices.

National policy ...

The Soil and Water Conservation Society has published a position statement on "Protection of Strategic Farmland". The statement calls for enforcement and implementation of the FPPA; the Society said it "acknowledges the need for national government support and monitoring activities" of state and local protection efforts and that the "protection of strategic farmland goes hand-in-hand with the design of more compact cities, which can reduce housing and infrastructure costs."

... **The Center for Rural Affairs** reported that the Farmers Home Administration "has done a below average job in implementing beginning farmer programs," saying that both the Bush and Clinton administrations have had a "lackluster attitude toward assisting beginning farmers," thus hampering efforts to address the "aging of American agriculture."

In a separate release, the Center also said that moderate-sized grain farms are losing 19 to 76 percent of their federal farm program benefits due to the combined impact of the 1990 Budget Act and market fluctuations, while many of the nation's largest farms are taking no payment cut.

FFA, from preceding page

state like Vermont," Libby wrote in a paper delivered at the conference, held at Eddy Farm Resort near Port Jervis, and sponsored by the American Farmland Trust.

Libby said the future of the Farms for the Future program is uncertain, given the pilot for Vermont is aging. He said he doubts the pilot will continue to be funded.

Vermont received favored status for pilot funding because the FFA was sponsored by Vermont Senator Patrick Leahy. But Leahy has said there is no groundswell of support for farmland preservation in Congress, and without it, it is difficult to find votes for full funding of FFA. Libby and other observers agree proponents face an uphill fight on FFA funding next year.

"I think for the AFT it's a priority and they're developing a strategy. We can help by showing what we've done in Vermont," Libby said. *Contact: Jim Libby, (802) 828-3250; AFT, Gary Kozel, (202) 659-5170.*

Well-endowed

Sales tax paying off big for Sonoma

SANTA ROSA, CA — With a quarter-cent sales tax income of \$10 million per year, the Sonoma Agricultural Preservation and Open Space District, of Sonoma County, is likely the most well-endowed local preservation program in the nation. The tax has enabled the district to purchase easements on about 6,000 acres in just three years, according to Ruth Stadnik. Nearly all the acreage is farmland.

The acreage figure includes a recent joint transaction with the Sonoma Land Trust on a scenic 3,053-acre parcel, at a cost of \$229 per acre, or a total of about \$700,000 in a bargain sale. The property includes a prominent ridgeline visible from U.S. 101, the county's major north/south highway, and is predominantly range land.

Sonoma is a coastal county north of San Francisco.

The district, directed by David Hansen, has spent \$7.2 million since July 1991. The district's average per-acre cost stands at \$1,326, which includes some properties acquired in fee simple that will be sold, Stadnik said. The district has transacted about 15 easements, but "we expect to go at a higher clip in the coming year. We did 64 appraisals last year, so now many are ready to negotiate. New properties are coming in all the time."

Agriculture is the county's economic mainstay, and most of the county's open space is held in farms and ranches.

The district has been aggressive in seeking key properties, initiating contact with landowners, Stadnik said. Properties between cities are expensive, but the district is under pressure to go after them, she said. They paid \$2 million for a 320-acre parcel between Rohnert Park and Petaluma.

With \$20 million "in the bank" and strong voter support, the district is beginning to set its sights on a preservation goal of roughly 100,000 acres. "We think we're making good progress," Stadnik said. *Stadnik: (707) 524-7360.*

resources ...

Readings

• *Farmland and Open Space Preservation in the Four North Bay Counties (Research Paper #1)*

By Mary Handel and Al Sokolow

• *Farmland Protection in the General Plan: A Comparison of Seven Central Valley Counties (Research Paper #2)*

By Drew Froeliger and Al Sokolow

Farmland Policy Project, Univ. of Ca., Davis, \$5

Produced by the Farmland Policy Project, a program within the Cooperative Extension Service of the University of California, this series reports the result of current research on farmland and open space policy at local and state levels. The research to date has been supported in large part by the University's California Policy Seminar and has focused on the Central Valley. Tentative topics of future reports in the series include agricultural buffers, farmland conversion trends, and growth strategies of cities in farming areas.

Research Paper #1 compares the preservation policies and programs currently in place in Solano, Napa, Sonoma and Marin counties. Among the most innovative in the state, these programs include land trusts, city-county agreements, open space districts, and LAFCO policies. The report compares the programs of all four counties and details for each the pertinent policies and their political origins.

Research Paper #2 analyzes the farmland-related features of the general plans of seven counties — Fresno, Kern, San Joaquin, Stanislaus, Sutter, Tulare and Yolo. As well as comparing all seven plans, the report examines the pertinent provisions of each document. Highlighted are the rationales presented for farmland protection, specific implementation tools including agricultural zoning, open space provisions, and urban growth policies.

Make checks payable to University of California Regents. Send \$5 for each paper ordered and mail to: Applied Behavioral Sciences, Coop. Extension, Univ. of Ca., Davis, CA 95616.

• *The Ecology of Commerce: A Declaration of Sustainability*

By Paul Hawken

Harper Business Publishers, 250 pp., \$23

The following is excerpted from a review by Phillip Johnson in *The Amicus Journal*, published by the Natural Resources Defense Council.

"Hawken has daringly challenged the rapids we will all have to navigate soon enough: the transition from an economy that is rapidly devouring the earth's resources to one that is indefinitely sustainable. He gets about as far as his chosen route will allow — which is far enough to make his effort worth study.

"Hawken is a successful businessman who has gained a reputation as the exponent of a kinder, gentler, hipper business world ... In *The Ecology of Commerce*, he makes a magisterial effort to show both environmentalists and his fellow business people how to negotiate the passage from a "predatory" to a "restorative" economy.

"He is certainly devastating in his critical analysis of the present business culture and of the market's inability to distinguish between adding value and squandering capital (especially the "capital" of natural resources.) ... he is unusually succinct and persuasive in explaining why the modern multinational corporation has an intrinsically perverse relationship to the natural world.

"Hawken is not deluded by the "greening" of the business world. He mocks the sophistry that economic growth is necessary in order to pay for environmental improvement, and is equally dismissive of the notion that industry can clean up its act while leaving untouched the economic premises that lead to unsustainable resource extraction. He proposes an ecology of commerce that mimics natural systems, in which there is no such thing as waste because the residue of one use is raw material for the next — a circular rather than a linear economy."

• *A Decade with LESA: The Evolution of Land Evaluation and Site Assessment*

Edited by Frederick Steiner, et. al.

Soil and Water Conservation Society

This comprehensive look at the Land Evaluation and Site Assessment (LESA) process and how it has been used by localities since 1981 includes chapters by LESA originator Lloyd E. Wright of the Soil Conservation Service, and farmland protection veterans Ralph Grossi, James D. Riggie, Tom Daniels, Lee Nellis, Nancy Bushwick Malloy and others.

From the brochure: [This book] "is the first and most comprehensive review and analysis of the LESA system since its initiation. Expert LESA practitioners and researchers provide in-depth examples of current LESA programs at the local, state, and federal levels."

LESA is a program that provides local governments with a system for determining which farming areas are best qualified for preservation

efforts. Under the Farmland Protection Policy Act, all federal agencies are required to use it when farmland conversion will result from agency activities.

"A Decade with LESA" will likely become the local government LESA reference and an excellent companion to the 1991 "LESA: Status of State and Local Programs" produced by the editors of the current work. The book is available from the Soil and Water Conservation Society. Call 1-800-THE-SOIL.

Conferences

August 7-10, Norfolk, Va.: The Soil and Water Conservation Society 49th Annual Meeting.

Themes include Getting to Know Your Eco-Resource Region and Managing for Change, Complexity and Diversity. Contact Nancy Bushwick Malloy at (301) 649-3675.

Oct. 26 - 30, Boston: 48th National Preservation Conference sponsored by the National Trust for Historic Preservation. Theme: Preservation, Economics and Community Rebirth. A Planning track includes workshops on Preservation in the Comprehensive Planning Process; Statewide land-Use Planning; Transportation Planning Enhancements with ISTEA; Corridor Management for Scenic Byways; Preservation and Sustainable Communities; Containing Urban Sprawl Through Grassroots Organizing and Local Public Policy; "Tools" track includes: State Legislation for Taming the Auto and Containing Sprawl; Historic Preservation and Property Rights: A Look at State Legislation. Overlaps first two days of land trust conference (see below). For conference information call 1-800-944-6847.

Oct. 29 - Nov 2, Chattanooga, TN: Rally 94, the national conference of the nation's land trusts, sponsored by the Land Trust Alliance, features a comprehensive assortment of nuts-and-bolts as well as issue-oriented workshops.

A good selection of enjoyable and educational field trips is always part of this large and well-organized gathering.

Workshops include: Introduction to Farmland Protection; Drafting and Monitoring Agricultural Easements; Convincing Local Governments to Finance Open Space; Getting ISTEA Funds for Your Land Projects; Balancing Conservation and Development Through Design; Building Community Coalitions— Expanding Your Impact.

Conference overlaps the last two days of the National Trust conference in Boston.

Contact LTA at (202) 638-4725 for brochure and registration materials.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

National Trust fights sprawl, urges inner city reinvestment

WASHINGTON, D.C. — The National Trust for Historic Preservation may become a leading national advocate of better land use planning and protection of communities that would overshadow attention given the same concerns by professional planning organizations, according to observers.

Since taking the helm as National Trust president in early 1993, Richard Moe, and Board of Trustees Chairman Henry Jordan have been a dynamic duo declaring war on land development that "destroys communities and the places people care about."

"Sprawl is one of the major issues," Jordan said. "I think it's clear to our new president and to me that one cannot support protection of the land and ignore the revitalization of our cities ... you have to work in both spheres."

Moe wrote in *Historic Preservation News*, a National Trust publication, that "the visual impact of sprawl is devastating" and a valid concern for the Trust not only because discount megastores destroy the economic vitality of historic Main Streets, but because large-scale development away from urban centers is anything but organic growth, degrading the character of rural areas and reinforcing auto-dependency.

Most notable among National Trust initiatives was its naming last year of whole regions or states as the nation's most endangered places. Vermont was named the most threatened place in the nation, because discount retailers were steam-rolling into the idyllic small-town landscapes tourists have flocked to for most of this century.

And, while doing so, the mall-size stores were drying up business for the Main Streets the National Trust has been trying to protect through its Main Street program and other community development initiatives.

Knocking on Disney's door

More recently, Moe and Jordan teamed up to knock on the door of the Walt Disney Co., taking out a full-page ad in the *Washington Post* on May 2 urging Disney to reconsider the location of its

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Rhode Island missed in program count

In our last issue we should have cited Kentucky as the ninth — not the eighth — state to establish a statewide farmland easement program. We neglected to count the program created in 1982 in Rhode Island. While it is currently unfunded and has purchased easements on fewer than 2,500 acres, it is a statewide program created specifically to purchase farmland easements. It may regain funding in a proposed bond referendum this November. We apologize for the oversight.

The American Farmland Trust, which brought the error to our attention, also counts New Hampshire and Maine as having farmland protection programs. While each have purchased one or more farmland easements through some type of state-sponsored program, neither of these states currently operate a farmland easement program. Therefore, we recognize just nine statewide programs established and designed specifically for farmland preservation. They are: Maryland, Pennsylvania, New Jersey, Massachusetts, Rhode Island, Connecticut, Vermont, Delaware and Kentucky.

While neither Delaware nor Kentucky have yet committed funds for easement purchase, their programs are modeled after Maryland's and commitment of funds in both states is expected. See story about Rhode Island, New Hampshire and Maine elsewhere in this issue.

— Deborah Bowers, Editor & Publisher

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June 1994

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National Trust

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proposed 3,000-acre history theme park in Northern Virginia. In an interview, Jordan said Disney should look at other, further in, locations in the region, sites that would be closer to population and services.

Also important to the Trust is that the park is planned for the I-66 corridor in Prince William County, just four miles from the Manassas National Battlefield Park. That was the site of the "third battle of Manassas" in 1988 when the County approved a large commercial development adjacent to the park and preservationists nationwide rallied to stop it. Congress, in a rarely used eminent domain taking, finally bought the 400-acre parcel for \$118 million.

While the proximity of the Disney site to the battlefield is enough to stir the blood of historic preservationists still weary from the 1988 ordeal, Jordan says Disney plans more than a theme park. With hotels and other residential components, "this is a whole new city, not just a theme park," a development of gigantic proportions, he said, that will generate more development and create a sprawling effect far west into the Shenandoah Valley.

Since the ad ran, "it's created a big stir," Jordan said, with a "continual array of press." Moe appeared on television explaining the Trust's position, and a host of historians have applauded the Trust for speaking out. Many see the Disney proposal as an affront to the historic resources available in the Washington area, and as a threat to the preservation of historic and rural character of Virginia's Shenandoah Valley, about 40 minutes west of the Disney site. A number of national groups, named in the *Washington Post* ad, signed on to support its message.

A campaign to block Disney's plan was initiated by the Piedmont Environmental Council, which says it is now receiving calls from all over the nation "from people deeply concerned about the possibility of a Los Angeles-style "edge city" development obliterating or diminishing historic Piedmont Virginia."

According to the *Washington Post*, Disney officials have stated repeatedly that sprawl is not their responsibility, and that they will not reconsider the location.

The national attention to the Disney proposal has led Sen. Dale Bumpers of Arkansas, Chairman

of the Subcommittee on Public Lands, National Parks and Forests, to hold a hearing on the Disney development this month. And, Secretary of the Interior Bruce Babbitt recently announced that his department will review Disney's plans.

Blair Lawrence, volunteer coordinator for the Piedmont Environmental Council, said public opinion "is the best weapon we have" to stop the Disney proposal from going forward. The Virginia General Assembly, rushing through its 1994 session, committed more than \$160 million to help Disney with infrastructure costs, something Lawrence said can be reconsidered, particularly if the action is challenged in court. Lawrence points out that the Disney plan contradicts the federal Clean Air Act, assuring further auto traffic and pollution in a nonattainment area.

The subject parcel has been zoned for a mix of residential and commercial uses for more than a decade. Local officials say opponents are exaggerating the effects of the Disney plan. The Prince William County Board of Supervisors will vote in September, and meanwhile has a consultant and citizen's committee working to make recommendations on how — or whether — the county should guide the type of development that occurs around the Disney site after it is built.

Northern Piedmont Named Endangered

Meanwhile the National Trust on June 15 announced it had named Virginia's "Northern Piedmont" as topping the list of this year's "11 Most Endangered Historic Places" because of the Disney plan. In a press release, the Trust said the Disney project was "a new city with a \$650 million theme park at its core" and that it, along with some other nearby development plans including a Formula One auto racecourse and a 21,000-seat arena, would "reduce this area of rolling hills, scenic rivers and productive farmland to a sea of t-shirt shops, office parks, motels and gas stations." (See accompanying story for full "Endangered Places" listing.)

Trust should "Call on Richmond"

The Trust might do better to name "Planning" as the nation's most endangered concept, particularly in Virginia, according to Alan M. Fox, director

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USDA/ERS study: Farmland loss is not a national concern

WASHINGTON, D.C. — A report released by the USDA Economic Research Service concludes that farmland loss to urban uses will not significantly reduce food and fiber production in the nation and therefore should not be a national concern.

Loss of farmland to urbanization may be felt in urban areas, but is not actually changing the amount of farmland available for production in the nation as a whole, the report states. In the fastest growing counties during the 1970's, urban land increased by 37 percent, but cropland and pasture decreased by only four percent, according to the study.

The study's findings are substantially unchanged from those presented by the same authors two years ago. That study, reported on in depth by *Farmland Preservation Report* in April 1992, was hotly criticized by farmland preservation advocates on many fronts. Slight changes in the current report seem to serve as minor concessions to the criticism: in 1992, the ERS study said just 740,000 acres were converted to urbanization each year during the 1970's. The current report extends that estimate to go as high as 1 million, but that is still less than half that estimated by the USDA's Division of Conservation Planning, which stands by an estimate of between 2.2 and 2.5 million acres lost per year in the 1970's (see FPR, April 1992).

The other change is a statement that farmland loss "does raise issues at the state and local levels in regard to protecting watersheds, maintaining air quality, maintaining open space, preserving rural lifestyles, preventing urban sprawl and preserving local economies."

But the statement doesn't change the basic premise of the report, that federal assistance to farmland protection efforts is not needed, according to Ken Krupa, one of the three authors.

Other additions to the current report include outlines on "Reasons for Farmland Preservation" and "Programs that Affect Farmland Preservation."

A section on the impact of cropland losses cites such losses as an issue at the federal level "when cropland is taken by federal programs for other purposes such as the interstate highway system ... at issue is whether it is in the public interest to accomplish these national goals by taking cropland or by substituting land in other uses."

The current ERS study coincides with a report

from the Union of Concerned Scientists that points to population growth leading to a food shortage by the year 2050 (see story in *Etcetera*). The report said a broad coalition of agricultural experts "are desperately worried about the food problem."

Those experts will not be found at the ERS, according to Krupa. "We've been hearing those reports since Thomas Malthus [the 19th century economist]. If there's any proof for this theory we haven't seen it yet," he said.

In an interview, Krupa disagreed strongly with a report released last summer by the American Farmland Trust stating that metropolitan area farmland accounts for 56 percent of gross U.S. agricultural sales. The "Farming on the Edge" study named 12 regions most threatened by conversion.

"The vast majority of urban growth is in the sunbelt states," most often in areas without prime soils, Krupa said.

"The AFT makes it appear this is a battle between agriculture and urbanization, but there are other players [in land-use change]. It's portrayed as a one-on-one struggle and it's not that way at all. As urbanization progresses outward, you're not going to extinguish agriculture, it's just moving outward, too. You're not going to lose it at all."

Krupa said in many places agricultural income increases as urbanization approaches, with farmers adjusting to market demand for other products such as fresh produce and nursery products.

"Having a larger concentration of people is actually positive for agriculture. Los Angeles grew at such a rate that the dairy industries moved into those counties in a big way. California is now the number one dairy state, supplanting Wisconsin. The meat industry came in, too. What you found was an increase in urbanization and in agriculture," he said. "Agriculture is alive and vibrant. It's the largest industry in the nation. And it is changing."

"To say you don't have a problem because your ag changes is not a very logical conclusion," said Tom Daniels, agricultural economist and executive director of the Lancaster County (Pa.) Agricultural Preserve Board. "If you have a change in a pipeline you have a big problem. The point is, we are so dependent on certain areas for a large part of the nation's food supply," Daniels said.

Edward Thompson Jr., director of public policy

Historic preservation takes a lead in land protection efforts

continued from page 1

of the Sustainable Use of Land Project in Washington. Fox said the fight is being waged against the wrong enemy, that it should target the Virginia General Assembly for its negligence in the area of land use and planning.

"The problem is a lack of land use law in Virginia. This is what happens when you allow ad hoc development. Some of the attack against Disney is misplaced. They [the Trust] should call on Richmond," Fox said. Fox is writing a book on what's wrong with land use in America as the final task of a project started last year and chaired by Conservation Fund president Patrick F. Noonan and Washington environmental attorney Henry L. Diamond. *(Story on the project was reported in the July-August 1993 issue of FPR).*

Proactive approach needed

During the "third Battle of Manassas," a host of historic preservationists got a hard lesson on the importance of land in protecting the past: A proactive approach in land protection was desperately needed in historic preservation battle strategy.

While the larger historic preservation community was broadening its scope of interest to include landscapes, its leaders were already well-versed in land politics. Jordan, executive director of the Claneil Foundation in Chester County, Pa., had created the Countryside Institute, which sponsors study tours for land use planners between the United States and Britain to learn how land protection and development can best co-exist.

Future National Trust President Moe, an attorney, served on the board of the Civil War Trust, a battlefield protection group, which was heavily involved in another battle in Northern Virginia, an attempt to prevent development of an industrial park on part of the Brandy Station historic site, an area that hosted the Civil War's largest cavalry battle and an encampment of 100,000 soldiers.

The National Trust's interest in "countryside" protection took form over the last decade, when the character of historic villages such as Waterford, Virginia, became threatened by new development. The Trust acknowledged land preservation as a

please continue to next page

etcetera ...

Scientists predict global food shortage by 2050

A report sponsored by the Union of Concerned Scientists warns that unless population growth slows and agricultural practices improve, the predictions of 18th century economist Thomas Malthus will likely pan out by the middle of next century.

Malthus believed that excess population, if not controlled by willful means, would take care of itself, through war, plague and famine.

Two American scientists, one a Nobel laureate in physics, said in a report released last month that "a business-as-usual scenario points to looming shortages of food ... the human race now appears to be getting close to the limits of global food productive capacity based on present technologies."

In an interview with the Associated Press, Henry Kendall of MIT, the Nobel winner, said a broad coalition of agricultural experts "are desperately worried about the food problem."

If the world population doubles by 2050, one estimate put forth by the UN, food production would have to triple. The scientists said that is unrealistic, given the poor record of cooperation between nations in the areas of population control and agricultural practice.

Use assessment called a break for Va. developers

Citing abuse of Virginia's use-assessment tax breaks for land kept in farming, planning advocate Warren Zitzmann said in a recent interview that use-value assessments "should be eliminated from the recommended procedures list for protecting farmland unless all of the forgiven taxes are re-paid with interest at the time of a conversion."

Zitzmann referred to an article in the *Washington Post* about how the Virginia law was not saving farmland at the urban fringe through lower property taxes, which was its legislative purpose.

What is resulting, according to the *Post*, is big tax breaks to developers who, by getting the use-value assessment, can afford to wait for improvements in the housing market before building.

Some have suggested the law be changed to apply only to farmers who derive a certain percentage of their income from farming.

An affordable housing advocate said that the lower tax bills allow developers to wait until high-priced housing comes to their area and has made "a normal market" with lesser cost housing hard to find

in suburban Virginia.

Ca. high court to rule on planning by referendum

San Francisco, Ca. — The California Supreme Court will review a Napa County farmland zoning initiative passed by voters in 1990 that placed a 30-year moratorium on development in agricultural and open space areas designated in the county general plan. The law requires a new public vote by the year 2020.

The law is being challenged by Napa County developers and vineyard owners, who argue that only an elected board can adopt or amend a general plan. Two lower courts have ruled in favor of the voters.

According to the appellate decision by Justice William Newsom, state laws and legislative debates contain statements favoring local control over land-use planning that voters as well as elected officials can exercise. He also cited a 1984 state Supreme Court ruling that an amendment to a general plan could be vetoed in a voter referendum.

The Napa County Farm Bureau and the state farm bureau will file briefs in support of the law, according to Erik Vink of the American Farmland Trust.

A local measure that would have required rezonings to be voter-approved in Placer County, was defeated by voters this month. *Part of this story was adapted from an Associated Press article.*

Californians vote no to land preservation initiative

California voters on June 6 said NO to an initiative that would have put \$235 million into land protection efforts, including \$71 million to 17 local farmland easement efforts, with \$6 million going to the Marin Agricultural Land Trust.

Called Proposition 180, the Californians for Parks and Wildlife (CALPAW 94) bill failed with just 43.4% voting in favor. The initiative passed in the San Francisco Bay Area and in Los Angeles County, but the margins "were not great" said Erik Vink of the American Farmland Trust.

Voters turned down all initiatives on the ballot, including those for earthquake repair funds and new school construction. "Voters were not in a mood to spend money," Vink said.

National Trust, from preceding page

vital component in protecting the integrity of historic districts. It also recognized that local land use laws and the lack of political will to change them created an immediate obstacle to effective action.

The only course to follow was to provide technical assistance and to leverage financial resources for communities that asked for help. In 1988 the Trust created a rural preservation coordinator position and established its Rural Heritage Initiative to foster land protection at the local level.

Land use interest pervasive

The Trust's interest in protecting land shows up in a number of initiatives, according to Shelley Mastran, who coordinates some of the Trust's land use-related programs. Mastran has been conducting a series of workshops on rural community planning called "Your Town: Designing Its Future." Another initiative she has been working on is Corridor Management for Scenic Byways — "very much a land planning initiative," she said.

"The Trust as a whole is interested in land use. Our involvement has been in law and public policy," with President Moe taking positions in public, Mastran said. "'Your Town' is for rural community leaders who want things to happen but don't know how... the Scenic Byways program shows how to manage the land use along the corridor, to identify resources and do a linear plan," something that hasn't actually been used yet, she said.

"I think after Dick [Moe] came, several things caught his imagination, one was inner city neglect, another was the whole impact of sprawl on community viability. It's something that captured his imagination and he's run with it," Mastran said.

Includes inner city revitalization

The renewal of inner city communities is not a new interest for the Trust, which began its Inner-City Ventures Fund in 1981, providing about \$3 million to urban organizations in 31 cities to rehabilitate living and working spaces in declined neighborhoods. The program's funds were leveraged to take advantage of \$70 million in economic-revitalization funds.

Moe announced recently the start of a new National Trust program called Community Part-

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Farmland loss concerns debated anew

continued from page 3

for the American Farmland Trust, disagreed that agriculture is better off in Los Angeles since the city experienced intense population growth. "Los Angeles used to be the number-one ag county in the country. Now Fresno is number one. But Fresno is now experiencing the kind of growth L.A. did. Where does agriculture go when Fresno becomes L.A. II?"

Thompson said other faulty assumptions made in the ERS approach are that patterns of development are irrelevant and that technology can replace good land.

"Where growth goes, and how it affects the agriculture that remains, is just as important as how much land is converted. We made it clear in our study that fragmentation was an important factor in determining the threat to agriculture."

Another premise the ERS seems to base its research on, Thompson said, is that farmland is only used for food production. But farmland provides a host of social and environmental benefits, important for maintaining vital human needs such as clean water, he said. Thompson said there is a growing awareness that the value of open farmland is far greater than just its economics. "Farmland isn't just for breakfast anymore," he said.

While the ERS report does cite watershed protection as a valid concern, it says it is a concern in the area of land use only at the state or local level. Thompson disagrees fervently.

"Does that imply that protecting the Chesapeake Bay is not in the national interest?" Thompson referred to a report that concluded that keeping land open around the Chesapeake Bay is the most important factor in protecting its water quality.

"The strategic importance of farmland is the quality of life and the stability of a community. Truly successful communities know that. That sounds like a parochial interest, but you could say that teenage unemployment in Detroit is local. However, when you begin to aggregate these local concerns, it quickly becomes a national concern," a line of thought lost in studies based on bottom-line economics, he said.

The premise behind farmland preservation, according to Thompson and others, is that the value of local agriculture to the strength of the nation as a whole should be seen as vital, in the same way that diversity is inherently valuable to democracy or that small businesses all over the nation are seen as the backbone of the American economy.

It may be clear that when viewed on the national level, farmland losses can be called negligible, for now. But the very same losses are grim when seen from the local, state or even regional level where they are occurring, especially when viewed over a period of only a few decades.

When considering the changes in American life that have enabled rapid development to occur, and recognizing that those changes, such as interstate highways, represent permanent fixtures that affect the

legislative and program briefs ...

In Massachusetts ... The Trustees of Reservations, the world's oldest land trust, announced recently it raised \$10 million in its Centennial Campaign, which was launched in 1991, 100 years after the organization's founding. The Trustees own and operate 76 "reservations" comprising 19,500 acres.

In Michigan ... The House Republican Policy Committee Task Force on Land Use released its report and recommendations on reforming parts of the state's seven zoning enabling acts. The task force will address agricultural land protection issues in an upcoming report. Several bills that would grant new zoning authority to localities based on task force recommendations are before the legislature.

In New Jersey ... The program has now used its emergency fee simple option five times to save farms from imminent sale. After purchase, the farms are resold with conservation easements. Three of the resales have been closed.

A TDR bank, passed by the legislature and signed into law in December 1993, will be administered through the State Agriculture Development Committee by a 10-member board. The bank will facilitate the transfer of development rights when landowners cannot find buyers.

In Pennsylvania ... Gov. Robert Casey signed an executive order directing all state agencies to "mitigate and protect against the conversion of primary agricultural land," and to prepare and submit its plans and rules for implementing the policy within six months, under several guidelines. The order also establishes an inter-agency committee to address implementation problems and issues.

In California ... Prop. 180, the CALPAW 94 bond act, failed. The tally was 43.4 percent in favor and 56.6 percent opposed. Dozens of land protection projects are the losers, including 17 direct farmland preservation efforts in localities.

The Marin Agricultural Land Trust (MALT), down to its last million dollars of Prop. 70 money, is now challenged to find other sources of funding, said Carol Waxman. "We're not shocked [by the defeat] - we have other options, but we don't know specifically where [funding] will come from." Many of the other farmland protection projects will not get off the ground, as their establishment was predicated on passage of CALPAW.

On the bright side, Marin County would

please continue to next page

benefit from a bill in Congress to expand the Point Reyes National Seashore using conservation easements. HR 3079, which would protect about 40,000 acres in coastal Marin and Sonoma Counties, would provide for MALT and the Sonoma Land Trust to acquire the easements and to transfer them to the National Park Service.

In the state legislature, AB 2663 is the reintroduction of last years AB 724, which would require local governments to comply with "principles of compatibility" when approving development on Williamson Act lands. The bill was approved by the Senate Local Government Committee June 15.

Santa Barbara County is studying a TDC proposal that would start with a pilot program. **In Maryland ...** Harford County, the state Program Open Space, the Trust for Public Land and the Harford Land Trust are working to protect from development three parcels comprising about 1000 acres on the Chesapeake Bay. Half the acreage is owned by Johns Hopkins University, which has plans to develop its parcel for multiple uses including dense residential. With 90 percent of its 23 miles of Chesapeake Bay shoreline occupied by the Aberdeen Proving Ground, Harford County is vitally interested in protecting the 3.5 miles of undeveloped Bay frontage on these properties.

In Michigan ... With a fund of \$11 million, the state farmland and open space program is still awaiting an appropriation. The first parcel to be protected, through an expected appropriation of \$2.1 million, is likely a farm on the Traverse Peninsula which is operating as a winery, according to Richard Harlow. Applications for easement sale are coming in, Harlow said, and some appraisals are underway.

In Ontario ... An unconfirmed report that Ontario is considering conservation easements to protect farmland in the Niagara area.

In Utah ... The Energy and Natural Resources Committee appointed a subcommittee to study the loss of farmland and the possibility of establishing a conservation easement program. **In Congress ...** H.R. 3707, "to establish an American Heritage Areas Partnership Program in the Department of the Interior," has been marked up and is pending on the House floor. (See Feb. 1994 issue for story on proposed National Heritage Areas.)

Soil Conservation Service ... Final rules for the Farmland Protection Policy Act were to be released at press time. The final rules had been delayed through two administrations that did not see land protection as a role for the SCS. The act was passed in 1981.

ERS study, from preceding page

land market, the cause for alarm is easily discerned and most prevalent in metropolitan areas.

That a region of the United States could experience food shortages during a trucking strike should be a national concern, according to Thompson, who has cited the trucking strike of 1973 and dwindling food supplies in Boston as a good example of what can happen when a region doesn't protect its own agricultural industry. *Contact: Ken Krupa, (202) 219-0422; Tom Daniels, (717) 299-8355; Ed Thompson, (202) 659-5170.*

National Trust designations

"Endangered places" include two regions

The National Trust for Historic Preservation named two geographic regions among its "America's 11 Most Endangered Historic Places" this year. Retail discounters and entertainment complexes, the Trust said, were threatening this scenic, cultural, and historic integrity of Virginia's Northern Piedmont region and of Cape Cod, Massachusetts.

"The Walt Disney Company plans to build what would be, in effect, a new city with a \$650 million theme park at its core," a news release said. It named the Disney project and other planned developments within a 25-mile radius – a major thoroughbred racing track, a 21,000-seat amphitheater and a Formula One auto racecourse – as posing a substantial danger to the rural character of the region. Approval of the plans, the Trust said, would signal the suburbanization of at least the upper Shenandoah Valley, prized for its Civil War history and wide landscapes.

In Cape Cod, an appeal of a decision blocking approval of a 120,000 square-foot Price-Costco superstore for Sandwich, the Cape's oldest town, is pending and is said to be challenging the constitutionality of the Cape Cod Commission Act.

The Cape Cod Commission was created in 1990 and charged with protecting the historic integrity and environmental sensitivity of the Cape and has authority to review applications for direct regional impact (DRI) on Barnstable County and the Cape's 15 towns.

The Price-Costco plan failed to meet minimum performance standards in transportation, community character and water resource protection, according to Margot Fenn, a planner with the Commission.

Traffic generated by the development would have required the town to go from three traffic lights to 17, a radical change to the community's character, Fenn said, and because of a number of hazardous materials stored and sold on site such as pesticides, auto products and paints, the Commission cited a danger to the town's water supply.

"We feel we have a strong and well-documented decision," Fenn said.

Other places, including single buildings or whole towns or homesteads, named by the Trust as endangered by development or deterioration include:

- *Baltimore's USS Constellation*, one of, if not the oldest sailing warship, launched in 1854. It was the last sailing warship built for the U.S. Navy.
- *The Cornices and Buildings of Harlem, N.Y.*, called one of the most distinctive architectural and cultural enclaves in America and home to dozens of world-famous African-American artists, poets, musicians, political leaders and scholars.

- *Natchez, Mississippi*, preliminary approval to a 10-story building on the Mississippi River threatens the small-town feel and architectural integrity of Natchez, once among the wealthiest towns of the antebellum south.

National Trust

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ners, an outgrowth from its Ventures Fund efforts. Moe said that the Trust "cannot make preservation happen from Washington" and so must find willing and able partners at the local level who can best benefit from technical assistance.

Veteran land conservationists recognize that sprawl and inner city decline are inextricably linked and that the natural response is to link land protection efforts with inner city revitalization. The Trust's Community Partners program is an investment in that premise and puts the organization in a position to develop greater land protection initiatives.

The link between urban decay and the expansion of outer suburbs has been recognized by prominent growth management advocates such as 1000 Friends of Oregon founder, Henry Richmond. Richmond believes a carefully organized and politically viable effort is needed to change the way land development occurs.

The effort would seek fundamental changes in how federal dollars support local and state infrastructure and encourage changes in land use policies.

Richmond's National Growth Management Leadership Project is seeking support for creation of the Metropolitan and Rural Land Institute, which, according to an executive summary, proposes to "encourage and support the reform of land use practices in the United States."

Contact: Shelley Mastran, (202) 673-4037.; Henry Jordan, (215) 828-6331.

resources ...

Publications

• *A Decade with LESA ~ The Evolution of Land Evaluation and Site Assessment*
 Edited by Frederick R. Steiner, James R. Pease and Robert E. Coughlin
 Soil and Water Conservation Society, 300 p., \$40

This comprehensive look at the Land Evaluation and Site Assessment (LESA) process and how it has been used by localities since 1981 includes chapters by LESA originator Lloyd E. Wright of the Soil Conservation Service, and farmland protection veterans Ralph Grossi, James D. Riggle, Tom Daniels, Lee Nellis, Nancy Bushwick Malloy and others.

From the brochure: [This book] "is the first and most comprehensive review and analysis of the LESA system since its initiation. Expert LESA practitioners and researchers provide in-depth examples of current LESA programs at the local, state, and federal levels."

LESA is a program that provides local governments with a system for determining which farming areas are best qualified for preservation efforts.

"A Decade with LESA" will likely become the local government LESA reference and an excellent companion to the 1991 "LESA: Status of State and Local Programs" produced by the editors of the current work.

Organizations

American Resources Information Network

This is a cooperative project of more than 100 preservation and conservation organizations interested in the relationship between private property rights and the public interest. One of its activities is publishing, and one of titles, "Takings Law in Plain English" by Dick Roddewig and Chris Duerksen of Clarion Associates was so popular it is already out of its first printing. We will list it here when it is once again available. You may also call 1-800-846-2746 to get on a mailing list.

Small Town and Rural Planning Division American Planning Association

It costs \$30 to join and the quarterly newsletter alone is worth it. New leadership, with Jim Segedy of Ball State University's Institute for Community Development and Design, assures a focus on land use and sustainable rural economic development. Segedy has initiated the creation of a resource center for rural planners at Ball State. Articles in

the most recent 28-page newsletter include: Big Business and Small Towns: Threats and Opportunities in Industrial Deconcentration, by Tom Daniels; New Strategies in Rural and Small Town Business Incubation: Examples of Successful Practice, by Tom Lyons & Gregg Lichtenstein; How Do You Keep Them Down on the Farm: Developing Local Entrepreneurship Through Cottage Industries, by Jim Segedy. To join, send check for \$30 to APA, 1313 E. 60th St., Chicago, IL 60637 and indicate STaR membership.

Conferences

August 7-10, Norfolk, Va.: The Soil and Water Conservation Society 49th Annual Meeting. Themes include Getting to Know Your Eco-Resource Region and Managing for Change, Complexity and Diversity. Contact Nancy Bushwick Malloy at (301) 649-3675.

Oct. 26 - 30, Boston: 48th National Preservation Conference sponsored by the National Trust for Historic Preservation. Theme: Preservation, Economics and Community Rebirth. A Planning track includes workshops on Preservation in the Comprehensive Planning Process; Statewide land-Use Planning; Transportation Planning Enhancements with ISTEAs; Corridor Management for Scenic Byways; Preservation and Sustainable Communities; Containing Urban Sprawl Through Grassroots Organizing and Local Public Policy; "Tools" track includes: State Legislation for Taming the Auto and Containing Sprawl; Historic Preservation and Property Rights: A Look at State Legislation. Overlaps first two days of land trust conference (see below). For conference information call 1-800-944-6847.

Oct. 29 - Nov 2, Chattanooga, TN: Rally 94, the national conference of the nation's land trusts, sponsored by the Land Trust Alliance, features a comprehensive assortment of nuts-and-bolts as well as issue-oriented workshops. A good selection of enjoyable and educational field trips is always part of this large and well-organized gathering. Workshops include: Introduction to Farmland Protection; Drafting and Monitoring Agricultural Easements; Convincing Local Governments to Finance Open Space; Getting ISTEAs Funds for Your Land Projects; Balancing Conservation and Development Through Design; Building Community Coalitions— Expanding Your Impact. Conference overlaps the last two days of the National Trust conference in Boston. Registration materials are being printed now. Contact LTA at (202) 638-4725 if you are not on their mailing list.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Kentucky is eighth state to establish easement program

FRANKFORT, KY — The Kentucky legislature last month created a new economic climate for agriculture along with an easement program modeled after Maryland's. But the easement program is more similar to Delaware's with its substantial flaw: no money, at least not for now.

The law establishes an easement program using the new term created by the American Farmland Trust, replacing "Purchase of Development Rights" (PDR) with "Purchase of Agricultural Conservation Easements, or PACE program. The American Farmland Trust worked closely with the legislature and prior to that with the Governor's Agricultural Policy Task Force, which developed recommendations for enhancing agriculture and protecting the state's agricultural land base.

Kentucky becomes the eighth state to establish a statewide farmland easement program, and the first state outside of the northeast and mid-Atlantic to do so. It follows Maryland, Massachusetts, Connecticut, Vermont, Pennsylvania, New Jersey, and

Delaware. The Delaware program remains unfunded, and the Vermont program operates differently, without a separate or distinct farmland preservation program, and using a land trust to place easements on farms.

Although the new Kentucky program is not yet funded, funding could come about during a special session of the legislature in June, according to Roger Nesbitt, communications director for the state Department of Agriculture. The bill originally marked \$12 million for the program, Nesbitt said. The special session is needed because the legislature failed to act on the state budget during its regular session, the first time that has occurred since 1956.

Rep. Bill Lear, chair of the House Economic Development Committee and member of the Agricultural Policy Task Force, said funding for the PACE program will be hard to come by, but feels certain it will come.

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Model ag zoning ordinance devised by Lancaster County

LANCASTER, PA — Lancaster County has developed a model agricultural zoning ordinance for use by townships or counties, according to Tom Daniels, executive director of the Lancaster County Agricultural Preserve Board. The ordinance has been agreed upon by a joint committee of the county planning commission and the preserve board, and will likely be approved by the board this month.

Although nearly all townships in Lancaster County have agricultural zoning that restrict development rights usually to one residential unit per 25 acres, the model is needed, Daniels said.

"I've had a number of requests for ag zoning

model language inside Pennsylvania and even outside the state," he said. "We have agricultural zoning in 38 of 41 townships but with several

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Bowers
Publishing

Farmland Preservation Report is published 10 times per year. Subscription includes periodic special reports, annotated bibliography and index service. Editorial and circulation offices: 900 La Grange Rd., Street, Maryland 21154 • (410) 692-2708.
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Program funds will come in a few years, Ky. legislator says

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"The PACE program is a big question. The problem is, it is a new initiative and most new program initiatives got the ax. My feeling is that the Department of Agriculture will probably find some funds to get started, but the real money to purchase easements won't come for a couple of years."

Lear said a similar process occurred when the state created the Kentucky Heritage Planned Conservation Fund, an effort largely driven by the Nature Conservancy to save natural lands and wetlands. The statute has been in place for a few years and received a permanent source of funding for the first time this year.

What will likely be funded in the agriculture initiative this year, Lear said, is a revolving loan fund to provide capital for required expenditures by members of networks or cooperatives that support agricultural products facilities.

The PACE program creates a board to oversee administration and implement the program. The law also directs localities to identify and map agricultural lands of statewide importance and to analyze impacts of land use on farmland. It also amends the state's agricultural districts law to allow creation of agricultural districts of fewer than 250 acres, the former minimum.

The state's agricultural district program was enacted in 1982, and most farmers sought enrollment in the program as a way to avoid annexation, according to a 1990 Division of Conservation brief. In 1984 the legislature also created an advisory committee to review all state projects that converted 50 or more acres of farmland to non-farm uses. Other state preservation initiatives include a rural preservation program, likely the first such state program in the nation, created within the state historic preservation agency in 1990.

In October 1992 Governor Brereton Jones formed a task force to assess how agriculture, the state's \$3.2 billion industry, could be boosted both economically and through land protection. The Governor's Agricultural Policy Task Force was funded through a \$50,000 grant from the Ashland Oil Foundation, and Craig Evans of the AFT was retained as consultant, facilitator and principal staff member.

Within a year, the task force forwarded recommendations to the governor, all of which were

Kentucky agriculture

- Dominated by small family farms, average size 155 acres
- Tobacco and cattle most common enterprises
- Leads in beef cattle east of Mississippi River
- About 23% of jobs in the state are tied to agriculture
- Most famous for horse breeding
- 70% of farms have other sources of income
- 55% of total state acreage is in farms

incorporated into the legislation passed by the General Assembly, according to Evans.

Many of the recommendations arose from two task force workshops, at which participants suggested more than 100 changes in state statutes and regulations that would put farmers on more equal footing with other industries. While the PACE program is the new initiative that stands out in the legislative package, economic boosters are the main emphasis.

Ed Logsdon, Commissioner of Agriculture, stated that while the task force pared down the list to just 15 recommendations, that they were "the most realistic, practical steps... to enhance Kentucky agriculture, ...and which have the greatest chance for acceptance by Kentucky farmers and the General Assembly."

Farmers were supportive, but not fully. The state farm bureau balked at allowing state funds to be used for the conservation easement program, fearing money would be shifted from other agriculture programs.

The task force had three goals: to develop a viable, sustainable agricultural industry that is profitable, competitive, efficient and environmentally sound; to maintain the tradition of a "family farm" and focus on methods to assist independent producers to become more economically competitive and profitable; and to retain farmland with an emphasis on voluntary, incentive programs coupled with long-range land use planning.

Kentucky agriculture is dominated by small family farms, the report said, producing a diverse array of commodities. Tobacco and cattle are "far and away the most common enterprises on Kentucky farms," not horse farms, as is commonly believed. Of 91,000 farms, nearly 70,000 of them raise tobacco, and 52,000 have cattle. Kentucky has

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Kentucky, from previous page

more cattle than any state east of the Mississippi.

The need for legislation may have been best related in the task force's report, which stated that the majority of General Assembly members, as well as state elected officials, "are influenced to a great extent by a non-farm urban constituency." The legislators don't understand the problems of farming or urban fringe land use as it relates to agriculture, the report indicated. The new statute invests in agriculture by overcoming that obstacle.

Contact: *Craig Evans, (202) 659-5170; Roger Nesbitt, (502) 564-4696*

Ag Finance

Banks look at operation, not land as collateral, lender says

LANCASTER, PA — From a banker's perspective Lancaster County, Pennsylvania is a good place to be in the world of agricultural finance. Even on the 200 farms now under conservation easement in the county, agricultural land values range from \$3000 to \$4000 per acre, according to Darvin Boyd, senior vice president and agri-finance department director of CoreStates Hamilton Bank, one of Pennsylvania's biggest ag lenders.

Those values make Lancaster a good example of how false are claims by national farm organizations that maintaining high development values for farmland on the urban fringe is the only way farmers can secure capital loans. But even outside Lancaster, that claim has little validity, according to Boyd, who recently became a member of the executive committee of the American Bankers Association's Agricultural Bankers Division.

"It's an easy excuse to make ... but you've got to get beyond that and look at the quality of life and the role agriculture can play in the economic viability of the community," Boyd said.

Farm organizations use the argument to fight land use regulation because many farmers are more interested in selling their land for development than in farming, Boyd acknowledges.

"My response is that land values, particularly in Lancaster County, continue to have a significant value for agricultural purposes, and although such land used for building purposes would have a higher value, there comes a point where you have

to look at the larger picture... you have to look at what value is reasonable to lend to an agricultural operation," Boyd explained.

Studies of mid-Atlantic agricultural lending practices show banks base loans on the viability of a farming operation itself, and its ability to generate income to pay off its debt, not on the speculative development value of a farm if the operation fails. Yet the farm lobby continues to raise the land equity and land collateral issue when local or state governments attempt to enact growth control measures. And, officials have allowed the argument to be put forward as if it were valid, neglecting empirical evidence showing it to be false.

In 1991, as the New Jersey state plan was being fashioned, the farm lobby argued vehemently that proposed policies to inhibit growth in rural areas would diminish farmers' ability to secure adequate financing. The farm lobby worked equally hard in Maryland, as state planning officials there tried to fashion growth controls that would decrease development potential in rural areas.

The arguments won over legislators in both states. In New Jersey, the state plan gained passage only with an attached equity statement pledging protection for property rights and values. In Maryland, the entire rural protection proposal in its original form sunk like a lead weight, leaving only a skeleton of policy guidelines for counties.

It illustrates that legislators are more readily influenced by claims of unfair treatment and don't take the time to learn the facts, or, aren't inclined to do so, Boyd acknowledged. Very few members of Congress, for example, have any knowledge of land use and how it relates to fiscal problems.

There are likely precious few agrifinance administrators in the United States who, like Boyd, have espoused farmland preservation techniques that tend to decrease farmland values. But Boyd says farmland protection should be seen as a social cause as well as the protection of an industry's long-term health.

"In this country we never look at the way we let land go as being a social ill," Boyd recently told a reporter for Agri Finance magazine. "There's a right and wrong place for development. If you lose the best land, then you lose the quality of life and the ag industry ... if we don't take steps to protect what we have, it won't be here in 20 years."

Model ag ordinance boosts ag economy, protects land

continued from page 1

variations. What we hope to do is create some consistency."

The model sets limitations on subdivision to one unit per 25 acres. Two townships in Lancaster County allow one lot per 50 acres. Daniels, who has a doctorate in agricultural economics, believes one lot per 25 acres is the most lenient that should be adopted for effective restrictions in agricultural areas.

"For our area, these standards will work pretty well. Each county has to figure out what kind of agriculture it has and set its limitations accordingly. One lot per 25 acres is as low as you want to go. If you go as low as, say, one in 10, you're going to have problems," he said.

By the end of this year, another township will have agricultural zoning and the model language was useful in that effort, Daniels said. The newest ag zoning is expected to protect 8,000 of 10,000 acres, bringing the county's total of protected acres to 320,000 — 80 percent of all its farmland. The zoning provides the foundation of all other farmland preservation efforts in the county.

The following is excerpted from an executive summary of the model ordinance:

"The primary purpose of the agricultural zoning district is to protect agricultural land uses and activities from conflicts with non-farm uses and activities from conflicts with with non-farm uses and activities, and to maintain agricultural land in large blocks...

"The model agricultural zone describes land uses that are permitted outright, uses that require a special exception, uses that require a conditional use permit, and uses that are prohibited from the agricultural zone. Outright permitted uses include basic farm production facilities and activities and farm dwellings.

"Special exceptions require approval from the township zoning hearing board and apply to uses and activities that generally do not conflict with agricultural uses and may even help to sustain the farm operation. These uses should be designed and located with some care to ensure they do not con-

etcetera ...

New age could be dawning for rural development

A little ingenuity can go a long way toward rejuvenating a local rural economy. Rural communities across the nation are discovering they can revive their economies by creating enterprises that build upon existing industry, such as a \$40 million pasta factory in North Dakota, organized by 1,200 Durum wheat farmers and born of a \$50,000 seed grant from the state department of agriculture.

Top-down approaches have not panned out in many areas, where big corporations brought in low-wage jobs and a sure-fire means of stifling a community's traditional means of support.

In many rural states, the approach of one-size-fits-all that has dominated federal programs since the 1930's, has clearly not worked, according to Karl Stauber, former vice president of programs for the Northwest Area Foundation, a Minnesota philanthropy that funds rural groups. Recently, he became the USDA's deputy under secretary for Small Communities and Rural Development, an office that also acts as a stimulant of sound initiatives. "The federal government shouldn't decide which communities survive, expand or die — that's up to the marketplace to decide," he said. "We assist and reward those who do well."

The federal government would be a good place to start with that mission, and restructuring within the USDA is awaiting Congressional approval that could come as early as next month. Under the plan, the number of USDA agencies would be cut from 43 to 24, with Farmers Home, Rural Electrification, and the Rural Development Administration falling by the wayside. They would be turned into three agencies that will deliver rural services on a \$9 billion budget.

New agencies will include the Rural Business and Cooperative Development Service, which will promote small and moderate-sized businesses.

The federal government can best assist rural needs through education, environmental safeguards and transportation, according to Bob Bergland, Jimmy Carter's USDA Secretary who recently retired after 10 years at the helm of the Rural Electrification Administration. Bergland says fiber optics will change the face of rural America, allowing companies to locate in small towns.

"You can't prop up rural areas by pumping billions of dollars into rural development," Bergland said. The key is public and private partnerships. "What

please continue to next page

works best is local communities building on existing industry," he explained.

Marty Strange, executive director of the Center for Rural Affairs in Nebraska, berates a farm policy in which "the good old boys who run the commodity programs soak up every ounce of support for rural America." Strange said that reform in the USDA needs to begin with recognizing that agriculture has been "a drag on rural development, a drain on resources, a distortion of the common view of what is rural."

Strange said what is needed are "small bang strategies" too small for Small Business Administration funds and ribbon-cutting ceremonies. "We need a micro-enterprise program that will help build businesses from the ground up. It's unglamorous, expensive to finance, with low pay-offs that will produce results only on the long-term. But we have to build solutions from within rather than import them from without."

This story was put together with excerpts from an article by Robert Heuer that will appear soon in Agri Finance magazine.

Industrial site reuse legislation could save farmland

Harrisburg, Pa. — Legislation passed by the Pennsylvania Senate and now pending in the House will give businesses incentives to locate new facilities on abandoned industrial sites. Sponsors say one of the effects of the legislation will be that industries building new facilities or relocating will have new workable alternatives to buying farmland on the urban fringe.

The expense and difficulty of complying with current pollution cleanup policies discourages companies from reusing existing industrial sites. Companies have expressed an interest in using the new incentives, according to David Hess, assistant to Sen. David J. Brightbill, the legislation's lead sponsor.

The Land Recycling and Environmental Remediation Standards Act, SB 972, establishes a process and incentives for cleaning up and reusing industrial and commercial property, limits future cleanup liability for persons meeting cleanup standards, creates a loan fund to provide funding for voluntary cleanups and provides funding to the Department of Environmental Resources to administer the program.

The act applies to environmental remediation required under six state environmental laws and is based on remediation laws used in Texas, Michigan, Massachusetts, Delaware, and other states.

A special fund would be created for land reclamation, providing low-interest loans to cover up to 75 percent of the cost of preparing environmental studies,

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Ag zone, from preceding page

fluct with farming operations.

"Conditional uses require approval from the township supervisors. These uses have the potential to cause some conflicts with farming operations. These uses must be designed and located in ways that minimize the potential conflicts with farming operations. Conditional uses include non-farm dwellings and commercial telecommunications equipment.

"Some land uses and activities should be discouraged or, to the extent possible, prohibited from locating in the agricultural zone because they have the potential to cause major conflicts with nearby farming operations. These uses are better located within Urban Growth Boundaries, existing villages, or on non-farm rural lands. The prohibited uses generally should include landfills, quarries, golf courses sewer treatment plants, airports, and country clubs. The model agricultural zone contains provisions designed to foreclose the granting of variances for such uses.

"Uses that support or are at least consistent with agricultural activities are encouraged and permitted in the agricultural zone. For example, home occupations and farm-related businesses are both permitted by special exception."

Non-farm lots subdivided from a parent tract have an allowed minimum of one acre and a maximum of two acres.

Tracts of between 25 and 50 acres are permitted under the ordinance to subdivide one non-farm lot. Tracts of more than 50 acres are permitted to subdivide "a combination of one or more farm parcels and/or non-farm lots up to, but not in excess of, a total of one such non-farm lot or one such farm parcel for each 25 acres of area on the parent tract."

The need for model language has already been evident, Daniels said. Earlier drafts have been helpful to East Hempfield and Strasburg townships in developing their ordinances.

Agricultural zoning experts Robert Coughlin and John Keene of Coughlin Keene Associates in Philadelphia said they would like to see a model ordinance that uses sliding scale zoning, which they feel could have broad application. According to Coughlin, the Lancaster model is noteworthy and will be useful in the state and elsewhere.

For a copy of the model ag zoning ordinance, call the Lancaster County Agricultural Preserve Board, (717) 299-8355.

Study of development patterns led to TDC pilot project proposal

SAN LUIS OBISPO, CA — Since 1990, San Luis Obispo County has been studying the patterns of development in its rural areas with the goal of transferring development potential from its agricultural lands to more appropriate areas.

What officials learned through the study was not surprising. Overall, new homes were being scattered farther into the countryside and the greatest impact of land use decisions historically had been on agricultural land. Projections showed the pattern would continue.

The county's Rural Settlement Pattern Study set out to provide officials with a better understanding of how rural lands were being subdivided and developed. Phase I of the study inventoried and documented development trends and Phase II recommended devising a Transfer of Development Credits (TDC) program that could be used voluntarily to transfer development potential from resource-significant areas to more appropriate areas, including rural-to-rural transfers. Phase III, recently completed, designates more than a dozen sites as potential TDC pilot projects.

Conducted by the Land Conservancy of San Luis Obispo County under contract with the Department of Planning and Building, Phase I inventoried assessor's parcels in the county, mapped their location, size and status.

Mapping the pattern of development and projecting the development that might occur from the existing general plan, the study found 59,000 assessor parcels in unincorporated areas, of which 23,000 were undeveloped and available for residential use. About 12,000 of the undeveloped parcels occur in rural areas and over half of those are made up of less than 80 acres, the report stated. The county's general plan, the report concluded, would allow about 8,000 new parcels to be created in rural areas.

Not unlike many localities, the pattern of development was spread over the countryside. "The pattern of development extends over broad areas and is erratic from one place to the next. The effect of this development has largely been felt on agricultural lands," the report stated.

Phase II of the study recommended where development should be discouraged and where it should be encouraged—to concentrate development in urban areas, look carefully at the "critical transition area" surrounding urban areas and to "hold the line" in outlying rural areas, protecting existing agricultural and rural character.

A unique aspect of the TDC proposal is the idea of transferring development potential not from a rural community to an unrelated urban community, but to keep transfers linked within communities familiar with both participating parcels. Because the program would serve simply as a model to be used voluntarily, a community's interest and initiation of TDCs is the only way it will work.

The idea of transferring development within rural areas is bound to be controversial since the premise behind TDR/TDC is to keep

legislative and program briefs ...

In Michigan ... A transfer of development rights transaction has taken place near Traverse City. "Two individuals got together and the township approved it. It's a new concept here and people are struggling with it," said appraiser Douglas Hodge, whose firm appraised the value of the rights. Hodge: (313) 664-4182.

In Kentucky ... The legislature has passed a bill that establishes a state Purchase of Agricultural Conservation Easements (PACE) program, the first created in the nation since Delaware's program in 1991. While funding was stripped from the bill, start-up funding could be added depending on options available to the governor when the legislature meets in a special session next month, according to Roger Nesbitt of the state Department of Agriculture. The program is modeled after Maryland's, Nesbitt said.

In Maryland ... The Harford County Council is considering a bill developed by the county Environmental Land Preservation Commission that would create a property tax credit for parcels under conservation easement. The credit would act as an incentive to preserve land not eligible under the state or county farmland easement programs. The bill, as introduced, would limit the credit to \$500. Applications would be reviewed by the Commission and parcels would have to meet Commission criteria for eligibility. Contact: Anne Van Sweringen, (410) 638-3103.

In Massachusetts ... No action yet taken on the \$300 million bond bill that would include \$30 million for farmland preservation.

In Pennsylvania ... Bills affecting the farmland preservation program had not seen further action as of press time. Contact: Mary Keenan, (717) 783-5183.

The Department of Community Affairs is preparing guidelines for conservation projects that will be eligible for funding under the Key 93 initiative, which was approved for \$50 million in bond funding by voters in November 1993. The initiative will provide funding directly to land trusts, according to Fred Owen of DCA, (717) 783-2659.

The state will begin a first-time farmer program that will provide low-cost financing. The loans can be used for purchase of land.

In New Hampshire ... Winding up its public comment period on its draft recommendations, the Northern Forests Lands Council will finalize its recommendations on how to protect the future of the northern forest region, which extends across four states from Maine to New York. Recommen-

dations include actions to change federal tax laws to favor land conservation. The Society for the Protection of New Hampshire Forests has worked closely with the Council, according to Tammara Van Ryn, (603) 224-9945.

In New York ... Localities making up Region 5 in the state open space plan decided to form an agricultural subcommittee to pursue issues relating more specifically to farmland protection, according to Jerry Cosgrove of the AFT New York field office. "What the state committee will do, we're not sure, but we hope they will incorporate [the ag recommendations] into the whole plan, not just for Region 5." Cosgrove said he hopes other designated regions in the plan will follow the Region 5 lead and create subcommittees to address the special needs of agricultural land. Cosgrove: (518) 581-0078.

In Minnesota ... Activities are underway to create a 1000 Friends of Minnesota group modeled after 1000 Friends of Oregon. The effort was initiated after a lecture by Henry Richmond, founder and former executive director of the Oregon growth management group. Contact: Lee Ronning, (612) 433-2770.

In Maine ... Farmland preservation in Maine continues to be a non-activity, according to Bill Seekins of the Department of Agriculture and Rural Resources. There have been no farmland easements purchased by the state since its first was purchased in March 1990. No funds are earmarked for farmland preservation. "Without someone here from the department with a role as advocate for that, and to work for the details, I don't see that program doing anything on its own," Seekins said. (207) 287-3511.

In Congress ... Three bills looking to create Heritage Areas programs are progressing at the committee level, according to Amy Holley, on the staff of the Subcommittee on National Parks, Forests and Public Lands, (202) 225-6631. An administration bill, developed by the National Park Service's Recreation Resources Assistance Division, is under consideration.

In Oregon ... 1000 Friends is working with farmers in Jefferson County to appeal the county's adoption of a plan for potential resort sites that ignore farmland as a resource to protect. A state law that excludes resorts from locating within three miles of farmland designated as "high-value" is up for interpretation. The appeal is making use of 1000 Friends' Grassroots Leadership Project and its Cooperating Attorneys Program.

Union County recently enacted 160-acre minimum lot sizes, even while a new state law (HB 3661) allows 80-acre minimums.

TDCs: Required Elements

- A clear purpose - There must be a clear mission to protect agriculture, important natural areas or other resource of value to the specific community where a TDC project is used
- A designation of sending areas - the land from which development credits can be sold
- A designation of receiving areas - land where the woners can purchase and apply the transferred credits
- A means of assigning credits (the exchange rate) - This is the amount of development, over base development, which can be approved in the receiving areas as a result of purchase of a single development credit from the sending area.
- A market for purchasing and selling credits - This includes incentives in public policy and land use regulations that will encourage credit transfer
- A clear implementing ordinance - This includes a means of recording transfers and other provisions that make it easy to understand how the program works
- Support of the community - Demonstrate how the program can balance protection with opportunities for growth, and be flexible in meeting the needs of landowners

- Adapted from the Pilot Project Report, March 1994

agricultural land in large units and to stabilize the agricultural business climate. But the amount of urban land is limited and so much land in the rural areas of the county have already been committed to development. In addition, such a fall-back is seen as necessary because it is expected that many established communities will object to proposals of additional development. Phase II of the study recommends that within a transition area increased density be allowed if existing lots within it are retired.

Issues related to rural development in San Luis Obispo County are complicated by antiquated subdivisions, some in existence since the early part of the century.

A technical advisory committee will choose the pilot projects that seem to provide the best potential for success, according to Ray Belknap, executive director of the Land Conservancy. The question, as posed by the study, is "can a means of assigning credits (and other required ingredients of a TDC program) be developed that would meet the varied land use, environmental and economic situations that exist in San Luis Obispo County?"

The cities of San Luis Obispo and Arroyo Grande may participate in a TDC program, but stipulate the transfers must benefit the cities specifically, that is, the sending area must be directly on the urban edge where city residents can enjoy the open space it provides. Until pilot projects are initiated, it will be difficult to demonstrate the intangible benefits to other cities, such as Grover Beach, where a TDR policy exists but with no implementing ordinance, the report states.

A copy of the 160-page Pilot Project Report can be obtained at nominal cost from the Land Conservancy of San Luis Obispo County at (805) 544-9096.

Industrial site reuse

continued from page 5

plans and implementation.

"Recycling industrial sites is a win-win proposition for the economy and the environment," said Sen. David J. Brightbill, chair of the Environmental Resources and Energy Committee, who spearheaded the effort. "Communities win because sites that were eyesores will be put back into use creating jobs and paying taxes. The environment wins because we clean up pollution and prevent farmland from being developed into new factories and businesses," he said.

The bill, which sponsors hope will land on the governor's desk before the legislature adjourns July 1, would set cleanup standards for industrial sites and would end cleanup liability when a site owner meets those standards. It establishes a process for DER approval of cleanup plans, and provides \$5 million in seed money to help finance environmental assessments and plans.

Last year the Pennsylvania Environmental Council said that an industrial site reuse policy should be part of a larger effort to develop a comprehensive state policy of incentives encouraging reinvestment in existing communities. Contact: David Hess, (717) 787-5708.

resources ...

Publications

• *Land Use Planning in the Rural-Urban Fringe, 1994*

by G.F. Vaughn

University of Delaware, 52 pp.

This is an Extension Bulletin with everything a beginner, or even an intermediary land use practitioner could use to get a grip on the mid-Atlantic urban-fringe land use follies.

Although a bit on the academic side, Vaughn explains in common English why things are the way they are when it comes to land values and the prospects of farming on the Delmarva Peninsula. Vaughn, a long-time

advocate of state planning in Delaware, continues to explain why it is needed. He also urges citizens to get involved in county planning, because without the political will, there is no way. Call 302 831-2504 and ask for Extension Bulletin #157. —D.B.

• *Sustainable Agriculture in Print:—Current Books*

The Alternative Farming Systems Information Center of the National Agricultural Library has produced a listing of sustainable ag titles, that includes brief descriptions of each book's contents and where it is available. To receive the listing, call the library at (301) 504-5724.

• *The Pedestrian Environment*

1000 Friends of Oregon

By enhancing community design for easier, more pleasant pedestrian use, auto travel can be curbed by 20% per capita over the next 30 years, according to this study produced as part of a 1000 Friends project. Copies of the study are available for \$18. Call (503) 497-1000.

Organizations

Small Town and Rural Planning Division

American Planning Association

It costs \$30 to join and the quarterly newsletter alone is worth it. New leadership, with Jim Segedy of Ball State University's Institute for Community Development and Design, assures a focus on land use and sustainable rural economic development. Segedy has initiated the creation of a resource center for rural planners at Ball State. Articles in the most recent 28-page newsletter include: Big Business and Small Towns: Threats and Opportunities in Industrial Deconcentration, by Tom Daniels; New Strategies in Rural and Small Town Business Incubation: Examples of Successful Practice, by Tom Lyons & Gregg Lichtenstein; How Do You Keep Them Down on the Farm: Developing Local Entrepreneurship Through Cottage Industries, by Jim Segedy; and, Fiscal Benefits of Land Protection, in a regular, informal column by FPR publisher Deborah Bowers.

Conferences

June 7 -10, Fort Collins, CO: The Fifth Inter-

national Symposium on Society and Resource Management: Creating Research, Education and Management Partnerships Among Natural Resource Professionals. Symposium thematic areas include: The Role of Social Science in Sustainable Development; Advances in Amenity Resource Management; Partnerships; Social Science in Ecosystem Management; Environmental Attitudes, Communication and Education. Call (303) 491-2077.

June 19 - 22, Harrisburg, Pa: Rivers 2000 Conference: Building Partnerships for River Conservation will focus on river conservation strategies and techniques in workshops and focus groups; river case studies, discussions with business, industry, agricultural and community leaders. Call (814) 234-4272.

August 7-10, Norfolk, Va.: The Soil and Water Conservation Society 49th Annual Meeting. Themes include Getting to Know Your Eco-Resource Region and Managing for Change, Complexity and Diversity. Contact Nancy Bushwick Malloy at (301) 649-3675.

Oct. 29 - Nov 2, Chattanooga, TN: Rally 94, national conference of the Land Trust Alliance, featuring a comprehensive assortment of nuts-and-bolts as well as issue-oriented workshops. A good selection of enjoyable and educational field trips is always part of this large and well-organized gathering. Registration materials will be ready in June. Contact LTA at (202) 638-4725 if you are not on their mailing list.

Call for Papers

The Center for the Small City announces a call for papers for the 11th Conference on the Small City and Regional Community, October 20-21, at the University of Wisconsin-Stevens Point. Theme: Social Science and the Community. Interdisciplinary conference seeks papers addressing topics related to the smaller city, town and region, include inter-governmental relations, ecology, spatial patterns, citizen participation, planning, environment, etc. Send 50-75 word abstract to Edward J. Miller, Center for the Small City, Univ. of Wisconsin-Stevens Point, Stevens Point, WI 54481. Deadline for proposals is July 1. Papers due Oct. 1.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Special Issue II: Review of the States

This special issue is the second of a two-issue review of state farmland protection programs in the United States. Reviews may contain editorial viewpoints. Last month, tax incentive and planning-based programs of the Upper Midwest and the West Coast were reviewed. In this part, Agricultural Conservation Easement Programs are reviewed. Currently, all state easement programs are in Mid-Atlantic or New England states. See chart insert.

Mid-Atlantic

MARYLAND

Nation's first, most successful program strengthened by county initiatives

Worried about the rate at which Maryland was losing its farmland throughout the 1970s, the Maryland General Assembly in 1977 created the nation's first purchase of development rights program to be implemented statewide.

For historic reference, in 1977 there was no American Farmland Trust — no national organization even exploring the issue of farmland loss. Two major studies, the National Agricultural Lands Study and the Congressional study "Compact Cities," which detailed how governments were causing farmland loss by extending urban services to rural areas, were three years away. There was only one place to look for guidance: Suffolk County, NY, on Long Island, which had developed the nation's first purchase of development rights program from scratch just three years earlier.

In its first five years of operation, only half of all farmers that applied accepted offers from the Maryland Agricultural Preservation Foundation, and nearly 15,000 acres were placed under easement at an average cost of under \$900 per acre. After 10 years of full operation, in 1988, 74 percent of applicants accepted offers, with an average acquisition cost to the foundation of \$792 per acre. In 1993, with limited funding after two years of

Nation's preserved farmland: 730,213 acres

That's an approximate figure, based on totals contained in this issue's chart insert, with the following figures added: 373,844 farmland acres held by land trusts polled by the American Farmland Trust (AFT); 40,266 acres held by the AFT itself; 12,600 preserved in King Co., Wash.; 6,000 acres in Suffolk Co., NY; and 5,000 acres preserved in New Hampshire.

We provide this figure as a matter of curiosity. States are not in competition with each other. The effects of preserved acreage is felt at the local level, within counties and within communities where a certain level of agricultural business and production for the future is now assured. -- *the editor*

inactivity due to the state's budget crisis, about 90 percent of applicants accepted offers, with an average per acre cost of about \$1600.

Total cost for easement acquisition, of 107,064 acres after 17 years, is about \$108 million.

To be eligible for easement sale, a parcel must be enrolled as an agricultural district, meeting certain criteria of size and productivity. The state

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April 1994

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Bowers
Publishing

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Mid-Atlantic**Maryland***continued from page 1*

has more than 255,000 acres enrolled in districts.

County-level commitment builds up program

Significant in the evolution of the program was the development of county-level programs that either operate separately from the state program with local funding or simply supplement the state program with added funding or other incentives such as property tax credits. In 1990 the foundation created a certification process that would qualify county programs to retain 75 percent of their agricultural land transfer tax, rather than the usual one-third, for use in purchasing easements. Seven counties, all in the metropolitan areas of the state, had developed their own programs by 1990. Since the certification program began, two more counties have developed local programs. Certification is renewed every two years.

Counties established their own programs for different reasons, among them, the state's questionable funding reliability, per-acre offers considered consistently low by county boards, and eligibility criteria such as farm size that may be too strict for farms that county boards considered valuable.

In Harford and Baltimore Counties, for example, only 50 acres are required for a stand-alone easement; even smaller parcels are acceptable if adjacent to other preserved parcels. The state program requires a minimum of 100 acres for easement sale, or a group of contiguous parcels of less than 100 acres each may sell easements together to make up 100 acres.

Local administrators keep active in policy issues

Maryland's county program administrators have actively pursued changes to the program they felt would improve its effectiveness and ease of administration. This year county administrators asked state legislators to consider reverting the program back to a single cycle year.

The program has run two cycles per year since 1990, which has made administration difficult, particularly when already limited funding must be split into the two cycles. Legislators, however, chose to limit their attention to preventing misuse of lot exclusions, a perennial issue for most state easement programs.

Steady support in the legislature

Support in the legislature for farmland preservation has been constant. Legislators readily acknowledge the yearly threat to the state's farmland base, now at about 2.7 million acres. From 1982 to 1989 the state lost 194,125 acres of farmland to development. Since the recession the yearly loss has declined significantly. From a high of 44,269 acres lost in 1988, the loss in 1993 was 11,132 acres. But at the current rate of loss — an average of 24,032 acres per year over the last nine years — the state expects to lose an additional 168,224 acres by the end of the decade.

But the impetus behind the program was to try to hold on to a critical mass of land needed to sustain the state's agricultural productive capacity. The American Farmland Trust estimated the state's critical mass to be two million acres and the legislature saw the state coming perilously close to that figure by the year 2020.

Money woes linger; lifting of funding cap may help

Funded through dedicated shares of the state real estate transfer tax as well as an agricultural land transfer tax, the program enjoyed stable funding until 1991 when the state experienced a severe deficit. Funding from dedicated tax revenues, thought to be a fail-proof means of support, was removed by the governor, and no easements were purchased in the 1991 or 1992 fiscal years. Program administrators worried that the farming community would lose faith in the program as an option for financial security.

Some of the lost funding was eventually replaced by capital bond appropriations. Currently, the foundation holds about \$10 million in its revolving account. In FY '90, just prior to the state's fiscal crisis, the Foundation had a \$34 million fund balance.

"We've done fairly well for the limitations we've had," said program executive director Paul Schiedt.

Schiedt expects the program to recover fully from the budget pinch and that funding from the state transfer tax could increase significantly — perhaps even double its current \$5 million level — if a cap on the foundation's annual share of the state transfer tax is lifted July 1, 1995.



CONSERVATION AND PROTECTION PROGRAMS, 1994

Conservation Easement Programs

Year created	Acres Preserved	Number Farms	Acres Restricted and Eligible*	Avg. Per-Acre Cost (Historic)**	Total state funds spent	Funding type	Comments
1977	107,064	—	255,000	\$954	\$108 million	transfer taxes	Paul Schiedt
1983	23,136	153	755,000	\$5,500	\$78 million	bonds	Don Applegate
1991	0	0	14,000	n/a	\$180,000	gen. appro.	S. McKenzie
1988	54,388	431	2,228,843	\$2,137	\$116 million	cigarette tax	Fred Wertz,
1977	29,966	328	n/a	\$2,485	\$80 million	bonds	R. Hubbard,
1988	31,170	95	n/a	\$650	\$15 million	state, FFA funds	Pam Boyd,
1978	23,535	154	n/a	n/a	\$68 million	bonds	Jay Dippel,
1980	23,441	35	n/a	\$800	\$16 million	grants, bonds	Bob Berner,
TOTAL:	292,503						

Marin Agricultural Land Trust are included in this listing because funding is from state sources. *Programs in Vt., Mass., and Ct. do not restrict parcels as a first step to easement sale. **Low cost programs and may include lower cost figures from bargain sales (Marin Co. & Vt.) and competitive bidding (Maryland). Reporting conducted by Farmland Preservation Report, April 1994

Planning programs

Program type	Year Created	Results/Outlook
Ag zoning/agreements	1977	Program spurred effective ag zoning. However, penalties for program withdrawal are high.
Ag use restrictions	1984	Restrictive covenants protect 140,000 acres. Little participation and no funding for program.
Ag use restrictions/easements	1974	4.5 million acres are protected in 10-year agreements. New easement program not yet started.
Ag planning, exclusive farm use zones	1973	Exclusive Farm Use zones are effective, depending on perspective. Use restrictions are not.
Ag use restrictions	1965	Effectiveness is debated. Farmland preservation is more likely to be initiated by local government.
Ag planning, local policy	1990	Localities are required to adopt preservation policies. Results will be slow to appear.

Review of the States: Mid-Atlantic**PENNSYLVANIA****Success in acreage totals doesn't keep program out of hot water**

In 1988 state Sen. Noah Wenger used Lancaster County's farmland easement program, operating since 1982, as a model in developing legislation to create an easement program for the state. But the statewide program also evolved from the state Agricultural Security Area Law of 1981, which gave farmers certain protections in exchange for restricting land to farm use for seven years.

Pennsylvania has now purchased easements on 54,388 acres, on 435 farms, at a total cost of \$116 million, including about \$18 million contributed by counties. Twenty-seven of the state's 66 counties are now active in the program, with two coming on board in recent months.

The program was made possible when voters approved a \$100 million bond issue slated for farmland preservation in 1987. This type of funding made the program strong enough to see it through the worst of the recession in the early 1990s when other programs, notably Massachusetts and Maryland, were struggling for survival.

Cigarette tax revenue dedicated to program

But four years after program establishment \$81 million had been spent and it was clear that further dedicated funding would be needed to secure the program's future. In 1992 the legislature dedicated two cents tax from every pack of cigarettes sold in the state to the program, which is presently converting from bond money to tax money.

In 1993 the tax generated \$22 million for the program. By next spring the program will have depleted its bond funds, but as long as Pennsylvanians buy cigarettes, officials consider the program secure. The state board recently allocated \$20 million for 1994 easement purchases.

Pennsylvania's program has excelled in the number of acres preserved in the amount of time: 54,388 acres in its first four years of full operation. It took Maryland, for example, eight full operating years to place 48,000+ acres under easement. Rapid acreage protection in Pennsylvania is a function of

ample funding at the state level and at the local level in strongly committed southeastern counties, most notably Lancaster County.

Program out of line with its own rules

But while the program has its successes, it has also been marked by turmoil.

The Bureau of Farmland Protection and the state board have been scorned by some metropolitan area counties claiming that unspent funds had not been properly reallocated to qualified counties, and that funds had been encumbered prematurely. At the same time, other localities have benefitted from these same practices, which were out of line with program rules.

In April 1992, Lancaster and Chester counties sued the state board for delaying fund reallocation while waiting for passage of a law that would change the reallocation formula—a change that would cut Lancaster's share of reallocation funds by more than \$250,000.

Lancaster County's discontent with Bureau operations surfaced again in 1993 when county officials claimed that many easement funds were being encumbered prematurely, for incomplete contracts, again resulting in a decrease in reallocation funds to qualified counties. Agriculture Secretary Boyd Wolff, however, admitted the Bureau had "misinterpreted" the rules, sought a legislative solution, and got it.

Last minute passage of a bill that forgave program rule violations, and gave counties deadline relief, assured that encumbrance of funds could continue to take place at the point of contract agreement regardless of unfinished paperwork.

At Lancaster County's request, however, the office of the auditor general will undertake an investigation into program rule violations, according to Ronald Solomon. An investigation by the state inspector general, however, was recently terminated (see story in March issue).

Despite legislative fixes, the controversy with Lancaster County could be far from over. County commissioners are not likely to shrug away reallocation losses from 1991 and 1992, estimated at possibly \$1 million, and the Bureau of Farmland Protection could become the object of a lawsuit to regain those monies.

please continue to next page

Mid-Atlantic**DELAWARE****Forecast uncertain -- fledgling program landed in a cold climate**

When it was enacted in June 1991, the Delaware Agricultural Lands Preservation Act was missing two important things: funding for easement purchase, and, support in the form of sensible zoning at the local level.

After nearly three years the circumstances have changed little. The program has been sent begging just for operating funds to enroll agricultural districts, and all three of the state's counties have zoning that guarantees rapid farmland loss.

Elected officials in New Castle County, the state's most populated, took first prize in the lost meaning category when the state program was enacted: they "decided farmland preservation was a state thing," according to New Castle County chief planner Ed O'Donnell in a September 1991 interview. Since then, according to O'Donnell, the planning department has developed a clustering ordinance to be introduced this spring. Also, sewer service areas, that should act as growth boundaries, are being designated, he said.

Neither Sussex nor Kent Counties give recognition, much less protection, to agricultural use in their zoning ordinances. Ironically, the neglect of agricultural protection took place in recent comprehensive plan updates — actually while the state program was being developed.

Farmland preservation experts agree that without zoning ordinances that designate and protect agricultural use at least to some extent, a farmland easement program will be prohibitively expensive and even ineffectual due to inflated land values. From any perspective, the fledgling program has landed in a cold climate.

To make matters worse, the program is broke. The Agricultural Land Preservation Foundation is petitioning the General Assembly for emergency funds just to keep its mapping activities underway through June. It is also asking the legislature to replenish its original operating sum — \$48,000 — because expected funding through rollback taxes from the state agricultural transfer tax did not generate enough revenue to support the program.

Last year it barely generated half of the program's annual \$100,000 budget.

Funding could be in the works if an expected \$200 million escheat windfall materializes, some of which the governor has promised to the program, according to program staffer Stewart McKenzie. But that wouldn't happen until next year, and even if such funding came through, "there is still no long-term funding in sight," McKenzie said.

While the going has been rough, the program has managed to enroll 14,000 acres in agricultural districts. That number would be between 18,000 and 20,000 if funding were in better shape, according to McKenzie. "In creating districts, mapping takes money," he said.

On a larger scale, Foundation staff are near completion on a GIS mapping project that uses LESA — the Land Evaluation and Site Assessment process developed by the U.S. Soil Conservation Service. "We've taken some LESA factors and applied them throughout the state ... we've digitized soils, combined with SCS standards, looked at natural areas to keep consistent with open space goals. Grain and poultry investments are indicators of long-term agriculture," McKenzie said. The mapping also indicates percentage of cropland in an area under tillage, and sewer extensions.

"We're going to use this as a tool for purchasing development rights. And, this will be timely for state planning coordination policies," he said.

Modeled after the Maryland program, the Delaware Agricultural Lands Preservation Act established a foundation, a fund, local advisory boards, and a two step process of district formation and eligibility for easement sale.

The program differs from Maryland's by requiring a minimum of 200 acres (Maryland requires 100 acres) and by setting district termination at 10 years instead of Maryland's five. The farmland owner must notify the foundation of intent to withdraw, or the period is automatically extended five years.

The law also requires developers to provide through deed restriction to new homes within 300 feet of an agricultural district notification that purchase is conditioned on acceptance of agricultural practices.

District participants are exempt from real estate taxes on unimproved land, and easement participants are exempt from real estate, transfer, gift and inheritance taxes.

Cost of some easements too hot to handle

In addition to fights over how money is spent, a controversy over how *much* money should be spent on one easement has also rocked the program. In October 1991 the state board approved an easement costing \$2.52 million on a 169-acre Montgomery County farm with public water and sewer available, the most expensive easement the state had approved, at close to \$15,000 per acre.

Ironically, this month, while a pending bill would set per-acre caps, the board approved another similar purchase totaling \$1.545 million on 96 acres, also in Montgomery County, carrying an even higher per-acre cost of \$16,104. To stir even more ire among other counties, the farm earns just \$5,232 in gross annual sales.

"The state board clearly had the opportunity after the \$2.5 million easement, to impose some kind of cap and they didn't do it. Now it's come back to haunt them," said Tom Daniels, of the Lancaster County Agricultural Preserve Board. "It's another black eye for the program. It's just not a good investment for the state."

Mary Ann Cover, director for the Montgomery County board, said the board is the best judge of how farmland can be preserved there. "Counties are most sensitive to which farms are important and what the issues are, and there are a good number who feel that power should remain with the counties," she said.

Keeping easement cost under control is an issue that is constant for farmland preservation programs. If cost becomes exorbitant it could create political havoc.

At the same time, counties under intense development pressure that don't already have agricultural zoning are very unlikely to put such zoning in place now.

The per-acre cap legislation pending in Pennsylvania could prevent further high-cost easements from jolting the average per-acre costs of the state program. A significantly larger percentage of the burden for high-cost easements, then, would fall on the locality, making farms in more urbanized communities less likely to be protected.

Pennsylvania is the largest state in the nation purchasing agricultural conservation easements, and its administrative controversies have been equally large. As the program grows, sensible legislative adjustments are needed to prevent its problems from growing with it.

Mid-Atlantic

NEW JERSEY

State plan gives policy back-up to tightly-run easement program

New Jersey, the nation's most densely populated state, also has strong agricultural niches and a political climate that has nurtured what could become the most succinct growth strategy plan in the nation. If fully implemented it could provide the most effective farmland preservation tool money could never buy.

The state growth plan could be said to have been guided by providence through tough economic times when the usual prevailing wisdom is that growth management and economic development are poor bedfellows.

That providence came in the form of an unlikely coalition of conservation, environmental, and business interests that fell in line with an academic approach to beating the odds. A thumbs-up study on the plan's likely fiscal consequences produced by a university team with impeccable credentials proved too much for the agricultural and homebuilding industries to disprove.

Thus, a process was born that could actually result in a new way of thinking about development — from speculation to site plan — that is designed to become status quo within the workings of local governments.

The plan had strong support from former Gov. Jim Florio, and awaits proof of the same from Gov. Christine Todd Whitman, who promised support during her campaign.

Strong gubernatorial support is vital because the true impact of the plan rests with how state regulatory agencies that provide permits for roads, sewers and development undertake a change in attitude, an attitude that can be driven or stifled by leadership at the top.

Officially called the New Jersey State Development and Redevelopment Plan, it got underway in 1985 when the legislature enacted the State Planning Act to revitalize urban centers and protect land resources. In 1992, when the fiscal study led by Rutgers University Center for Urban Policy Re-

please continue to next page

New Jersey, continued

exclusions are a difficult part of easement programs because they involve some judgement in allocating them and because they promise to create difficult monitoring situations in the future.

The SADC retains enforcement powers, but the county boards have sole responsibility for certifying that the construction and use of homes on easement parcels are "for agricultural purposes" under the act. So far, the program has had no test cases — only one or two easement landowners have requested to exercise RDSOs allocated to them, according to program assistant Gail Hartje. Last year, in an effort to quell some fears about RDSOs, the SADC decreased RDSO allocations from one allowance per 50 acres to one per 100 acres.

Local participation led by Burlington County

Sixteen of 21 counties participate in the program, with Burlington County the most active, having 6,451 acres on 37 farms under easement. Twenty of those farms are in Chesterfield Township, which leads the state for number of easements in a township. Burlington County has also led the state in exploring and supporting the concept of transfer of development rights for municipalities.

Other counties with large numbers of easements are Hunterdon, with 21 farms and 3,072 acres; Monmouth, with 15 farms and 2,178 acres; Morris, with 13 farms and 966 acres; Somerset, with 9 farms and 901 acres; and Warren with 9 farms and 1,695 acres. Figures are current through February 1994. Morris County, in 1992, created its own program with a property tax increase approved by voters.

Easement purchase, at an average state cost of \$3,401 per acre, has been funded exclusively through state bond appropriations, with a total of \$78 million in state funds spent to date. The average state share percentage is 61.8 percent. The average total per-acre easement cost, including both local and state funds is \$5,500.

New Jersey ranks first in the nation for per square mile production of vegetables. It ranks first for blueberry production, third for cranberries and fourth for tomatoes. New Jersey residents benefit tremendously from local farms. It is estimated 58 percent of the vegetables produced in the state are also consumed there. New Jersey's abundance of on-farm, roadside and farmers markets is well-known throughout the mid-Atlantic.

New England**CONNECTICUT****Modest but steady funding has kept program rolling for 15 years**

In its 15 years of operation, the Connecticut Farmland Preservation Program has preserved about 10 farms per year, now totaling 23,535 acres on 154 farms. Except for fiscal year 1992, when program operations were froze, its funding has been constant although not plentiful. This July it will receive a \$5 million bond authorization, the same as last year. The program has requested increased funding over the years, but without success.

A full 70 percent of all farms under easement are dairy farms or farms that support dairies.

Despite modest funding, "the program is perceived as a permanent program that will give farmers a realistic alternative to development," said Jay Dippel, director of farmland preservation in the department of agriculture.

To stretch its dollars, last year Dippel negotiated a few bargain sales, paying about 75 percent of the appraised development rights value. In a bargain sale, landowners receive tax benefits.

The program remains popular, with about 100 applications in backlog. Dippel and his one assistant work as property agents evaluating applications and visiting farms, and Dippel serves as appraisal reviewer.

VERMONT**FFA assures commitment to farmland in a program still unique in its mission**

Created by the Vermont legislature in 1987, the Vermont Housing and Conservation Board had a unique mission: to combine affordable housing with land conservation projects. Over the last six years, the Board has had to shift its focus back and forth from housing to land protection to meet the most urgent needs of the state, or, to fall in line with political necessity. Since the state became the first, and so far the only beneficiary of the federal Farms for the Future Act, a certain yearly commitment to farmland preservation now seems assured.

The Board's strength is in its mode of operation

please continue to page 8

Mid-Atlantic**NEW JERSEY****Adjustments keep program in sync with counties***continued from page 5*

search was released by the State Planning Commission, the planning process reached a vital stage where unshakeable political support was essential.

The study's findings were cogent as they were timely: the state plan could be expected to produce 62,000 new jobs in urban centers and generate \$1.3 billion in construction savings through 2010, saving governments \$740 million in road construction and \$440 million in sewer and water construction. Other cost savings figures were equally compelling, as were the land preservation estimates: 157,000 acres undeveloped and/or in farming would be saved.

The state farmland preservation program predates the state plan's passage by nine years, but it is against this backdrop of more promising development patterns that it now operates, buoyed by a regulatory climate more supportive of land protection.

Since the program was enacted in 1983, 23,136 acres on 153 farms have been preserved under the New Jersey Agriculture Retention and Development Act as of the end of March. The program has undergone significant operational changes to meet the needs of localities and has benefitted from astute administration at the state level.

Strong state/local communication line keeps program fine-tuned

Administered and directed by the State Agricultural Development Committee, program operation can be influenced by input from local boards. Last year when significant adjustments were being considered in such areas as residual dwelling site opportunities, preliminary approval, and general responsibilities of county boards, counties were consulted, and were able to steer the SADC away from imposing a mandatory sliding scale formula for state share of easement costs. The sliding scale instead was entered as optional, and counties were granted more responsibility for evaluating applications.

Wide variations in appraised values, sometimes involving farms in close proximity to each other, became one of the key concerns of the SADC in recent years. High appraisals based on sales data entered at the height of the market in the 1980s in one area resulted in "a ripple effect" of high appraisals, according to SADC executive director Don Applegate in a June 1993 interview. In one case, a county board ordered a third set of appraisals and hired a reviewer, he said. The difficulties led the SADC to devise new rules allowing it to remove an appraiser from its approved list and a procedure to invalidate an appraisal. Meanwhile, there has been some time invested in developing a formula for finding easement values.

Yet the program's most controversial aspect for local boards is the allocation of residual dwelling site opportunities, or RDSOs. Lot

*please continue to next page***legislative
and program
briefs ...**

In Pennsylvania ... All five bills relating to the farmland preservation program were moving and expected to reach the floor for vote by April 22 (for story about the bills see FPR Feb. issue). For update call Mary Keenan at (717) 783-5183.

In Massachusetts ... A \$300 million bond bill that would include \$30 million for the Agricultural Preservation Restriction Program is the object of much lobbying by environmentalists, according to Rich Hubbard, (617) 727-3000 x150.

In Maryland ... HB 1501 passed and will impose a two-stage conditional release for lot exclusions.

In Florida ... The American Farmland Trust is working with farmers to develop a landowner-initiated incentive program to protect panthers on 6,000 acres of private lands. The AFT is also working with the state legislature to create a state level program for purchasing easements in the Green Swamp area ... In Palm Beach Co., a Purchase of Agricultural Conservation Easements (PACE) program has passed, although not with funding. However, chances are good that it will be funded and officials "are committed to move forward," according to Craig Evans of the AFT, (202) 659-5170.

In Kentucky ... A proposed state farmland preservation program is still pending in the Senate, without funding provision. Possible funding for initial operating costs could be added by the governor.

American Farmland Trust ... The AFT last month warned Northern Virginia officials that approval of the proposed Disney theme park in Prince William County, near Manassas, would greatly accelerate farmland loss in the region. AFT said the Disney park could spur development as far west as the still relatively rural Shenandoah Valley, a mecca for Civil War era historic interests. The AFT said other Disney parks have "induced vast commercial and residential sprawl that overran farmland," pointing to Orange County, Florida, home of Disney World, where over an 18-year period beginning in 1969, county population doubled and farm acreage fell by a third, according to an AFT study.

In Washington ... Each county is in the process of filing plans that must contain farmland preservation policy and strategies, according to Stu Trefry. "They all have a legal mandate to preserve farmland. First to designate and then to protect it, with a plan to keep those lands in production," he said. Trefry: (206) 902-1804.

Vermont, continued

— it freely forms partnerships with community groups, private developers, local government and nonprofits to foster creative solutions to local affordable housing and land protection needs. The local involvement fosters creative finance as well that combines and strengthens limited resources.

The Board works by awarding grants to local projects. Farmland is most often preserved through grants to the Vermont Land Trust, which purchases agricultural conservation easements. Farmland preservation grants are also awarded to the state Department of Agriculture and local land trusts. Some preserved farms offer public access for hiking, water recreation or picnicing.

Since 1988 VHCB grants have preserved 31,170 acres of farmland on 95 properties, a large percentage of which are dairy farms. In addition to farmland acreage, grants to such groups as the Nature Conservancy have preserved about 27,000 acres of natural, recreational and historic lands.

The Farms for the Future program provides matching funds up to \$10 million annually for the purchase of conservation easements on farmland and associated costs. The Farmers Home Administration (FmHA) guarantees principal repayment and subsidizes a portion of the interest expense of a loan from a private bank to the Board. The Board then invests loan proceeds in federally backed securities which are held as collateral for the loan.

When fully funded, the Farms for the Future program will provide loan guarantees and interest subsidies to all states that met qualifying criteria as of Aug. 1, 1991. At least a dozen states qualified.

MASSACHUSETTS

Hopeful for increased bond funds, program is "in very good shape" following budget crisis

The Massachusetts Agricultural Preservation Restriction Program began purchasing easements in 1980, and is now just 34 acres away from preserving 30,000 acres. It has cost the state about \$80 million in bond funds, with an average per-acre easement cost of \$2,485.

A \$10 million bond authorization for the program was passed by the legislature recently and a \$300 million bond bill that would provide it with \$30 million is still under consideration.

"The [bond bill] is still alive and there's a lot of pressure to do something," Hubbard said. Environmental protection efforts would benefit most from the bill. Hubbard said he is optimistic about passage of the bond bill and thinks the program, which has a backlog of about 100 applications will remain healthy. "We're in very good shape with the \$10 million. It will keep us going for a few years," he said.

Hit hard during the recession, the Massachusetts legislature in 1991 held back bond funds, and even considered the program for elimination. While easement purchase activity was slow, program director Rich Hubbard developed a program of easement monitoring that set off an alarm call for other state farmland preservation programs.

At a conference in May 1992, Hubbard showed slides of easement violations, including a massive tire dump, "blow-out" holes in a field and a house built illegally. Each of the violations, on separate farms, could not be seen from public roads, Hubbard said, making drive-by inspections ineffective. Hubbard said monitoring should be a routine activity early in farmland preservation programs.

resources ...

Conferences

April 27 - 29, Johnstown, Pa: *Heritage Partnerships 1994*, 16th Annual Conference on Historic Preservation, 3rd Annual Conference on the Pennsylvania Heritage Parks Program, sponsored by Preservation Pennsylvania, Center for Rural Pennsylvania and others. Two days cover theme tracks on: Community & Downtown Revitalization, Interpretation & Visitors Centers; Linkages in Heritage Areas, and Rural Landscapes. Fee: \$125. Call Preservation Pennsylvania at (717) 569-2243.

May 19, Chicago, IL: *Does Land Conservation Pay? Determining the Fiscal Implications of Preserving Open Land*, offered by the Lincoln Institute of Land Policy, features case studies of fiscal impact analysis used to determine the benefits of preserving open land in a community. Du Page County study as well as AFT studies will be featured. Cost is \$95. Call 1-800-LAND-USE.

June 19 - 22, Harrisburg, Pa: *Rivers 2000 Conference: Building Partnerships for River Conservation* will focus on river conservation strategies and techniques in workshops and focus groups; river case studies, discussions with business, industry, agricultural and community leaders. Call (814) 234-4272.

August 7-10, Norfolk, Va.: The Soil and Water Conservation Society 49th Annual Meeting. Themes include Getting to Know Your Eco-Resource Region and Managing for Change, Complexity and Diversity. Contact Nancy Bushwick Malloy at (301) 649-3675.

Oct. 29 - Nov. 2, Chattanooga TN: Rally 94. National conference of the Land Trust Alliance. Registration materials ready in June. Call (202) 638-4725.

"Farm Link" Coordinator Needed

The Rodale Institute and the Center for Rural Pennsylvania have developed a program that will link available farmland parcels to farmers looking for land in Pennsylvania. A Farm Link Coordinator position, with salary in the high 20's, is now open to implement this new program. The Coordinator, working in Harrisburg, will administer all aspects, to include fielding inquiries, establishing a database, working directly with prospective farmers and landholders and coordinating workshops and educational services. Call (717) 787-9555 for job announcement.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Special Issue: Review of the States

This special issue is the first of a two-part review and analysis of state farmland protection programs in the United States. In this part, states of the Upper Midwest and the West Coast are reviewed for programs designed specifically to protect farmland from urban encroachment.

Upper Midwest

WISCONSIN

Tax relief program could be losing land use component

The Wisconsin Farmland Preservation Credit program was established in 1977 to spur local governments to protect farmland through planning and zoning. It was also created to give farmers tax relief that would demonstrate the state's commitment to agriculture.

The state applies a "circuit breaker" tax relief formula that compares a farming household's property tax with its income. Generally, the higher the property tax, the higher the tax credit, and the lower the income, the higher the credit. The level of credits also depends on the level of farmland protection the locality provides.

Rural counties participate by either enacting exclusive agricultural zoning, or, enacting an agricultural preservation plan. The state's 19 urban counties can participate with a certified agricultural zoning ordinance.

Of the state's 72 counties, 43 have exclusive agricultural zoning. In counties without exclusive agricultural zoning, farmers must qualify for the tax credit and sign an agreement that restricts land use in the same way as does exclusive agricultural zoning.

To be eligible, parcels must be at least 35 acres and produce a certain level of gross farm profits, or, at least 35 acres must be enrolled in the federal

conservation reserve program. In addition, if exclusive agricultural zoning is not in effect, the farm must at least be located in an agricultural preservation area under a county plan.

Program administration

Two agencies administer the program at the state level: the Department of Revenue administers the tax credit each year when state income tax returns are processed, and the Department of Agriculture, Trade and Consumer Protection (DATCP) administers the program's land use provisions.

Farmland owners subject to exclusive agricultural zoning obtain a zoning certificate from their local zoning office to apply, while farmers who must apply through the agreement process file their applications with the county clerk. The application is then subject to approval by the local governing body.

Program participation and costs

In 1993 about 23,700 farmers claimed farmland preservation credits and the state paid out

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Bowers
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Wisconsin

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\$27.7 million. The payments offset about 25 percent of total property taxes paid by farmland owners who claimed the credit. (In addition to the farmland preservation credit program, the state provides Farmland Tax Relief Credits — in 1993 amounting to \$15.5 million — to virtually all farmers in the state, for a total of about \$43 million in direct benefits to farmers in 1993.)

Wisconsin: Assessment and outlook

Wisconsin's Farmland Preservation Act of 1977 built a direct line of communication between farmers and their local governments that could only result in farmland protection. The act provided significant tax credits for farmland owners, but only if their local governments enacted either exclusive agricultural zoning with a minimum lot size of 35 acres, or, a land use plan that focused on farmland protection and growth management. The result was a solid bottom-up approach that put the farmer in the driver's seat. With large farm constituencies, local governments had to act.

Participation has been significant if not overwhelming: in 1993 about 39 percent of farmers received farmland preservation credits, averaging \$1169 per claimant. But more importantly for land protection, all but two counties have enacted farmland preservation plans, and 43 counties have adopted exclusive agricultural zoning. Those counties with exclusive agricultural zoning provide the greatest program participation rates, with 78 percent of all claims going to farmers within such zones. Prior to the program, only two counties and some local governments within them had adopted exclusive ag zoning. These local planning and zoning actions now protect about half of all eligible farmland acres in the state.

While the program can be effective in protecting farmland through local policy, it does not actually preserve farmland. Farmland enrolled in the program is subject to rezoning or expiration of preservation agreements, which are in effect from 10 to 25 years. Until last year, farmland owners opting to let their agreements expire after 10 years had to pay back the total amount of credits received over those 10 years. That provision was rescinded by the 1993 Wisconsin Act 16, which excused the payback requirement as long as other requirements under the agreement had been met.

With the payback provision ousted, the pro-

gram lost a lot of its teeth, and the legislature is looking to do more damage this year by excusing from paybacks those landowners who opt for rezoning in exclusive agricultural zones as well, according to contract specialist Adam Payne. "If that happens, this is no longer a land use program but a tax program," he said.

From the start of the program in 1977 to November 1993, the program lost 58,675 acres, a total of 5,188 program participants, due to rezonings out of the exclusive agricultural zones — not a significant loss for the state as a whole when considering that 6.6 million acres are covered by exclusive agricultural zoning.

However, most of that loss is occurring in urban counties and should be seen as a threat to local agricultural economies within the urban fringe. In addition, the rate of loss could be on the increase, according to a report prepared for the legislature last year. The report showed that from May 14, 1992 to June 30, 1993, 775 rezonings occurred, a loss of about 10,000 acres from the program in less than one year.

In addition, relinquishment of agreements less than 10 years old, for which the payback provision still applies, is expected to increase in urban areas.

MINNESOTA

Two programs limp along with minimal legislative attention

Program description

The Minnesota Agricultural Land Preservation Policy Act of 1984 created a program that gives property tax credits in return for non-farm use restrictions. The goals set forward were to preserve and conserve agricultural land, including forest land, protect soil and water resources, and encourage orderly development of rural and urban land uses. The program is administered by one full-time administrator in the state department of agriculture.

Assessment and outlook

It's been 10 years since the Minnesota legislature adopted a farmland protection policy and program that gives property tax credits for non-farm use restrictions. But since 1986, when the state experi-

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Minnesota

continued from page 2

enced budget cutbacks, the program hasn't grown beyond the original three counties that participated in a pilot project.

In addition, legislators don't perceive farmland loss as much of an issue compared to other agricultural problems in the state, such as feedlot siting.

The 1984 Agricultural Land Preservation Policy law directed the department of agriculture to provide financial and technical planning assistance for up to seven non-metropolitan counties in a pilot program. But funding, set at \$30,000 in matching grants per participating county, was reduced in 1986 to \$20,000, and after that year, it stopped altogether. No funding for planning assistance has been forthcoming, and program participation has not spread to any of the 77 other non-metro counties eligible under the state program.

Sixty-two counties have zoning ordinances, but fewer than half of those use density standards to protect farmland. The most common density standard is one unit per 40 acres (17 counties). Four counties have a more restrictive standard and seven are less restrictive than 1/40.

While the program's growth has been stymied by the absence of the matching grants for planning, the state has lost farmland to "minor rural land uses" at a rate of about 30,000 acres per year, according to the National Resources Inventory. Those uses include farmsteads, rural development of less than 10 acres, roadways, utility corridors, strip mined areas and marshland.

To strengthen the program through incentives, the legislature, in 1986, established a property tax credit to encourage farmers in participating counties to place restrictive covenants on their land.

But the tax credit incentive, too, ran into trouble, not from actual funding shortages, but from fear of shortages. Two counties that had initially participated in the pilot program dropped out, fearing the revenue source would be inadequate if farmer participation was heavy. Further, no other counties think the incentive is worth the risk. County officials worry that if the state conservation fund set up to reimburse localities is depleted, they will have to cover the cost of their programs.

Those officials may be pointing up a grievance with a legislature that endowed a sister program, the Metro Ag Preserve Program, with a powerful backup: if the conservation fund is depleted, counties under the Metro Ag program can be reim-

bursed for tax credits through the state general fund. No such assurances are given for the state program.

And, changes are not in the offing. The condition of the state budget precludes pressuring legislators for planning grants or further reimbursement assurances.

Meanwhile, just three counties continue to file restrictive covenants, currently protecting about 140,000 acres.

The covenants go only so far in protecting farmland, however. Although it takes eight years, a termination process can be initiated at any time by either the landowner or the county.

The Metropolitan Agricultural Preserves program, which is operated separately for the state's seven Twin Cities area counties, is also limping along with inadequate incentives for participation. The program last year began offering a minimum property tax credit of \$1.50 per acre for farmland enrolled (40 or more acres required to qualify). But the move has not resulted in increased participation, and as tax rates rise, tax benefits at their current level are not attracting a lot of interest. Adding further to the decline, the program does not provide automatic renewal — in 1993 alone, at least 10,000 acres were lost from the program due to nonrenewal.

MICHIGAN

Accrued funding could give rise to Midwest's first farmland easements

Michigan's Farmland and Open Space Preservation Act of 1974 protects more than 4.5 million acres held under farmland development rights agreements that last 10 years. Farm parcels of at least 40 acres and under one ownership are eligible for farmland development rights agreements. The agreements restrict the building of nonfarm structures on accepted parcels.

Farmland property owners are entitled to claim credits on their state income tax, based on the amount by which the property taxes on the acreage entered in the program exceeds seven percent of the household income.

Smaller parcels are eligible for farmland development rights agreements if they are of at least five

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Review of the States
Upper Midwest

Michigan, (continued)

continued from page 1

acres and produce a gross annual income of at least \$200 per year, per acre.

The law, administered by the Department of Natural Resources, also provides tax relief for owners of open space land, but the provision is barely used: only about 4000 acres are enrolled. Eligibility is in two categories: "designated" meaning sites designated by a federal agency as historic, or by the state as riverfront open space or as an environmentally important open area under Michigan law; the second category is the "local" open space agreement, which can be virtually any parcel the locality finds desirable to protect, including idle farmland.

For "designated" open space easements the state makes partial compensation. For "local" open space agreements the locality assumes the full loss of revenues.

Open space easements entitle the landowner to property tax relief. Parcels are reappraised by the state, calculating the difference between the current market value of the property and the value of the property without its development rights. The difference is the amount the landowner saves on property taxes.

Land protection initiatives in Michigan

The Department of Natural Resources recently announced it "is seeking land available for development rights acquisition." Program chief Richard Harlow said his office is close to making three offers on parcels in the Traverse Peninsula area and that 18 parcels are being appraised.

While this would be the first easement purchase program in the midwest, it is not strictly a farmland easement program, and in fact, farmland is just one category of eligible lands according to a recent department release. The program is described as protecting "critical or unique" lands with "unusual scenic beauty, or which possess a significant species, natural features, historic site, or unique farmland in danger from development."

Harlow said \$11 million in penalty funds that

have accrued over the last eight years from premature termination of program contracts will be used for the program as soon as paperwork for appropriations is complete.

In February, Gov. John Engler announced formation of a task force to study farmland and agricultural development, saying that preservation of the state's farmland is critical to its future economic vitality. The task force will examine the effects of sprawl on the state's farmland base.

Other recent developments in Michigan include the probable establishment of a local purchase of development rights program specifically for farmland in Peninsula Township, located on the Traverse Peninsula. The proposal could be placed on this year's August primary ballot. The township is planning to use 15-year installment purchase agreements, according to township planner Gordon Hayward.

ILLINOIS

No state law effective in protecting one of the world's most productive regions

The Illinois Farmland Preservation Act of 1982 requires nine state agencies, including the state department of transportation, to review their capital projects for negative impacts on farmland, and to reduce those impacts.

In addition to this law, the legislature passed the Agricultural Areas Conservation and Protection Act in 1979. This act created voluntary agricultural districting that can be initiated by landowners or local governments with consent of landowners. Areas of at least 350 acres can be designated as protected for 10 years. Farmers receive some tax benefits in return for restricting their land to farm use, but the benefits are not much more than what are available to all farmers, and participation has been slight — 89,250 acres in 1990.

Under the first law, the Farmland Preservation Act, required the nine agencies to prepare policies and implementation procedures. The Illinois Bureau of Farmland Protection reviews more than a thousand state and federal development projects per year.

Recognizing that the laws do not require local governments to protect farmland, the Bureau initiated a technical assistance program for locali-

please continue to next page

Illinois, (continued)

ties opting to do so.

A majority of staff time is devoted to monitoring state agency development projects for compliance with Illinois ag land preservation policy, and to assisting counties in establishing their own site assessment guidelines for construction of facilities.

The department has also served in an ombudsman role for farmers faced with annexation or other threat to farming activity. The Bureau, under chief Steve Chard, has led innovative efforts on the state's behalf for farmland protection. Tasks have included serving as a watchdog over utilities companies digging pipelines through farmland and monitoring mining operations to check compliance with reclamation law.

The laws under which the Bureau works are ineffective in protecting farmland from conversion when a local government looks to annexation and development to broaden its tax base. In addition, Illinois has given unbridled power to such entities as tollway authorities that perceive farmland conversion for highway and airport construction as the best way to build the state's economy.

While northeastern Illinois contains some of the world's most productive soils, no state or regional policy or planning has been effective in protecting the region from a tireless onslaught of sprawl.

West Coast

OREGON

Nation's model planning state still adjusting to farmland protection

Since 1973 Oregon has had in place a land use planning law that has placed an emphasis on protecting farmland from urban encroachment. Senate Bill 100, the Oregon Land Use Act, created the Land Conservation and Development Commission (LCDC) to set statewide planning goals.

The Commission created 19 goals. Goal Three was "To preserve and maintain agricultural lands" and Goal Five was "To conserve open space and protect natural and scenic resources."

What SB 100 did was require localities to plan, with state assistance, and to plan with the state goals as guidelines. Under Goal Three agricultural lands were to be identified according to a prescribed definition. Certain areas were designated as

et cetera ...

Pa. inspector general investigation terminated

Harrisburg, Pa. — The Pennsylvania state inspector general has ended an investigation into a claim made by Lancaster County that the Bureau of Farmland Protection willfully violated program rules on encumbrance of funds. In a letter to Agriculture Secretary Boyd Wolff, Inspector General William Chadwick called the investigation "not appropriate" and said it had been terminated after a preliminary review.

The investigation was initiated after Lancaster County officials complained that the Bureau's practice of encumbering funds for easement projects elsewhere in the state before documents were finalized had resulted in a loss of up to \$1 million in funds for Lancaster in 1991 and 1992.

Inspector General Chadwick indicated the problem was limited to Lancaster County and that under department policy, "absent special circumstances" his office could not intervene "between, or on behalf of, potential litigants."

Calling some of Lancaster's allegations "vague and speculative charges of wrongdoing," Chadwick said "the Bureau's interpretation was reasonably calculated to effectuate the intent of the General Assembly when it created the program."

But Lancaster County officials disagree with Chadwick's assertions, countering that Lancaster was not the only county hurt by the Bureau's encumbrance practice, and that other county program administrators who had corroborating information were not interviewed.

"This is disappointing. We didn't get a fair and thorough investigation," said Tom Daniels, executive director for the Lancaster Agricultural Preserve Board. Daniels said investigators did not contact persons or make use of documents he recommended as pertinent to the investigation.

Ray Pickering, director of the Chester County Agricultural Development Council, which joined Lancaster County in a suit against the Bureau in 1992 on similar charges, said he was not contacted by the inspector general's office.

Lancaster County Administrator Sherri Heller said the county is still considering legal options to attempt to regain reallocation monies the county should have received, even though passage of legislation in December effectively legitimized the Bureau's former encumbrance practices.

West Coast

OREGON: Still defining farmland protection

continued from page 5

Exclusive Farm Use (EFU) zones. The state law specified what could occur in such zones, with the key statutory standard for the approval of a nonfarm dwelling being that the land must be "generally unsuitable for the production of farm crops and livestock." But large lot zoning and partitions that allowed up to three parcels of between five and 20 acres typically, was not netting the desired results, and in some areas Oregon was quickly becoming the hobby farm state.

By the late 1980s, it was recognized that too much building was occurring in EFU zones. The number of permits approved in EFU zones increased by 70 percent between 1987 to 1989. The political approach however was not to slow the building but to broaden the definition of agricultural lands so that new homes could be built more easily on farmlands that could be designated as less productive. In 1992 Goal Three was amended to include three possible classifications of farm and forest lands.

The following year, however, those rules were repealed and the legislature took a "lot of record" approach to determining where new homes could be built within EFU zones, and actually added to the number of ways new homes can be approved on farmland (on a non-essential corner of the farm, for example).

While more new homes are expected on non high-value lands, it is also expected that fewer new homes will be built on high-value lands, according to Mitch Rohse of the Department of Land Conservation and Development.

Despite the perceived weakening of the original intent of the law, many consider Oregon's land use program successful overall in protecting the state from the unbridled and haphazard urban growth other states experienced so sharply through the 1980s. But has the law been effective in actually preserving farmland?

"I think absolutely [yes]," said Mitch Rohse of the Department of Land Conservation and Development. "I think the question is, what is meant by preservation?"

Rohse said that looking only at the number of new dwellings in EFU zones doesn't answer the question of whether the program is effective in preservation, because a comparison is not available. That is, what would Oregon look like now if no land use law had been established?

"It's very clear the urban growth boundaries have been effective. You can't build a shopping mall on farmland in Oregon — it's illegal. The harshest critics would say the program has had a significant impact on protecting farmland," Rohse said.

But concerns about its true long-term effectiveness in preserving farmland are deepening in some quarters. 1000 Friends of Oregon, the state's growth management advocacy group that was founded specifically to fight efforts to weaken the growth management law, has had a long run at doing its job, but a persistent watchdog role is still considered vital to the law's ongoing effectiveness.

legislative and program briefs ...

In California ... CALPAW 94 (Californians for Parks & Wildlife) will be on the ballot in June. Since it is the only bond measure that will appear on the ballot, proponents are hoping for a better result than the last attempt when dozens of bond measures in a poor economic climate prompted voters to give a thumbs down to the lot. Polling has been favorable and the opposition is not well organized, according to AFT's Erik Vink **AB 2663** would require counties to look more carefully before they allow development to leap onto Williamson Act contract lands. The bill is fought by the Cattlemen's Association, which is pushing for looser language that would have counties "consider" the implications of such actions.

Meanwhile, the California Farm Bureau, pushing for stricter enforcement of Williamson Act land use restrictions, has filed another lawsuit for violations, this time against the city of San Jacinto in Riverside County. The city recently approved a 5,000-acre development project, which includes 1,700 acres under Williamson Act contracts. The farm bureau suit is the third in less than a year.

In Maryland ... HB 1501, which would impose a two-stage conditional release for lot exclusions, is in the Senate Appropriations Committee.

... Board of Public Works recently approved 17 new offers, totaling 3,090 acres, costing \$3.8 million. Newly completed figures for Cycle 2 of 1993: 30 foundation offers were accepted for easements covering 5,036 acres, at a total cost of \$6.9 million (85.7 percent in state funds). Eighty applications were received in Cycle 2. Total preserved acreage figure for FY 1993 is 8,445, for a new state program total (not including new offers) of 107,064 acres.

... Anne Arundel County will consider dedicating up to 20 percent of its real estate transfer tax to its local farmland preservation program. Although the actual percentage would be decided each year in the budget process, the bill would garner much needed funds for the program. At 20 percent, about \$3.6 million would go to program, according to program administrator Susan Klingaman.

... Gov. William Donald Schaefer announced creation of a Century Farms program.

In Virginia ... The Growth Strategies Act (GSA) has been carried over for the 1995 legislative session. Meanwhile, under Gov. George Allen, it will be extended to cover all areas of state government. A request by the Commission on Population Growth & Development to fund a

massive GIS data project was granted at \$1.4 million. "We had strong encouragement to come back in '95," said Commission executive director Kat Imhoff.

... The Va. General Assembly voted to approve \$160 million in incentive funding for the Walt Disney Co. to locate its history theme park in Prince William County. The County Board of Supervisors is expected to vote on the project this fall.

In Pennsylvania ... Five bills that will make significant changes to the farmland preservation program have been reported out of committee. **HB 1707** will require counties to establish programs and have them approved by the state board to be eligible for funding. **HB 1860** would allow proceeds from the sale of state-owned agricultural land to go to the farmland preservation program. **HB 2520** would reduce the required acreage of agricultural security areas from 500 to 250 acres and allow counties to use installment purchase agreements. **HB 2521** would establish per-acre caps on state funding use and establish a review and re-certification of each county program every seven years and would provide for more scrutiny of applications by the state board. **HB 2388** would strengthen the state's right-to-farm law. Some local boards are opposing **HB2520** and looking for higher state percentages in funding caps contained in **HB 2521**.

Ray Pickering of Chester County, where a self-imposed local funding cap has been in place, said the state should only encourage counties to establish their own caps. "Each county knows its own situation best. We're pushing for a modified cap," he said.

The state board voted to allocate \$20 million for easement purchase in 1994. Forty-four farms were recently approved, contingent on funding in July, comprising 5,400 acres, bringing the state's grand total to 54,083 acres, on 431 farms. The program received \$22 million in cigarette tax money in July 1993 and in January 1994.

In Oregon ... Robert Liberty, a former staff attorney and more recently a consultant to 1000 Friends of Oregon has been named new executive director for the organization, which is beginning its 20th year as the state's growth management advocacy group.

Liberty is a native Oregonian and a land use attorney who served the group from 1981 to 1990. He succeeds 1000 Friends founder Henry Richmond, who departed in November to form a national land use research and public education institute that will focus on land use policy reform.

American Farmland Trust ... worked with the Nature Conservancy and the James River Corp. to permanently protect Upper Brandon Plantation, considered the nation's oldest continuously operated farm. The land has critical Chesapeake Bay natural resource and wildlife areas.

CALIFORNIA

Best chance for farmland protection is through local initiatives, state bond funding

While the nation's most important agricultural state has no easement program, it was the first state in the nation to formulate an approach to protecting farmland that combined tax relief with land use restrictions.

The Land Conservation Act of 1965, better known as the Williamson Act, built a program that combined property tax relief, in the form of preferential assessment, land use restrictions and conservation requirements for voluntary participants.

A vital part of the program is how the state partially reimburses localities for revenues lost to the property tax relief. The state legislature didn't approve the payments to local governments, called subventions, until 1971, with an updated formula in 1976. During the 1980's the amount of the subventions languished and some counties decided to no longer participate. But in 1993, the legislature, despite an economy in crisis, finally increased the subventions to an even greater level than localities had sought.

Subventions are allocated according to three land categories: urban prime, other prime and non prime. The majority of lands enrolled are in the non prime category. About 15 million acres are enrolled statewide in the three categories combined.

In addition to the Williamson Act, the state's Coastal Conservancy, an agency formed in 1976, is charged with protecting farmlands within the coastal zone. The Conservancy has been funded through periodic bond referenda, and is authorized to acquire easements as well as purchase lands threatened by development. Part of its function is to fund easement projects of nonprofit groups. It gave \$1 million to the Marin Agricultural Land Trust in 1984.

California program administration

Since 1972 the state Department of Conservation has administered the Williamson Act, largely in an oversight role. Actual implementation takes place at the local level, where counties have discretion over parcel enrollments, cancellations and land use policies. Counties may impose minimum parcel sizes and other conditions on contracts. Planning and land use policies related to farmland protection vary widely throughout the state.

Assessment and outlook

It has come as no surprise over the years that the Williamson Act cannot compete with a reactive land market that gave rise to such new worlds as the Silicon Valley, and that it has not actually preserved farmland, particularly on the urban edge where enrolled acreage is low.

In the state's Central Valley alone, enormous in size as well as in agricultural production, population increased by 33 percent during

West Coast**CALIFORNIA: Local efforts await help from voters***continued from page 7*

the 1980s and farmland declined by an estimated 616,000 acres according to the American Farmland Trust. Last year the AFT named the Central Valley as the nation's most threatened agricultural region.

The AFT also named California's coastal farming regions as the third most threatened in the nation, with a 22 percent increase in population in the 1980s and a loss of about 385,000 acres of farmland.

Counties differ in their policy toward urban growth, many continuing to look at growth as a tax base enhancement. Some localities have blatantly ignored the status of lands under Williamson Act contracts and have approved development on such parcels. The California farm bureau has filed three lawsuits to date against these actions and is seeking greater enforcement through legislation this year.

Many other California localities have increased their efforts to protect farmland and open space. The state's success story is the Marin Agricultural Land Trust, which has preserved more farmland — exceeding 23,000 acres — through permanent easement than any other local effort in the nation (see FPR, Nov.-Dec. 93). A number of open space districts, some of which purchase farmland, are active at the local level. One example is the Sonoma County Agricultural Preservation and Open Space District, funded by a one-quarter cent sales tax.

The greatest chance for Californians to make a difference in farmland and open space protection efforts is to grant easement purchasing power to localities in both the Central Valley and coastal regions by voting for a \$2 billion bond measure on the ballot this June.

The measure, called CALPAW 94, after Californians for Parks and Wildlife, would give \$71.4 million to 17 local farmland easement efforts. In addition, funding would be provided to almost as many projects that would benefit farmland and farming indirectly through wetlands and other habitat protection. The total for all projects that would benefit farmland protection directly or indirectly is \$235 million.

WASHINGTON**Growth Management Act will be slow to produce results for farmland protection**

In 1990, the Washington legislature passed "An act relating to growth," with Gov. Booth Gardner stating that the new law was "a cogent response to the concerns of thousands ... who have insisted that we strike a better balance between economic development and environmental preservation."

The growth management act, as it is called, required all but 10 counties to comply. It did not change existing local regulations regarding development in agricultural areas, but required that participating counties adopt regulations "to assure the conservation of agricultural, forest and mineral resource lands."

Specifically, farmland to be protected was to be "not already characterized by urban growth" and have a "long-term significance" for agricultural production. In addition, regulations were required to assure that adjacent uses to protected lands not interfere with normal production. Other important parts of the bill relating to comprehensive plans and urban growth areas called for keeping urban government services out of rural areas, and for intergovernmental coordination for compatibility of comprehensive plans.

The following year the legislature passed "an act relating to growth strategies" that advised "all local governments should prevent development from encroaching on commercially viable agricultural and forest lands."

Counties are currently updating their comprehensive plans as part of the compliance process. But it is difficult to tell how effective state policy guidelines will be for farmland protection goals, according to Amy Tousley, a regional planner with the state Growth Management Division.

"It may be a couple of years before we see the effect of it — whether or not we have conserved [farmland]," she said.

resources ...**Conferences**

April 16 - 20, San Francisco: Annual American Planning Association Conference, features many sessions and mobile workshops with environmental and sustainability topics including: Sustainable Rural Communities; Rural Regional Planning and Development; Farms and Cities in Marin County; Retrofitting Suburbia; New Jersey's State Planning Process; Peninsula Watershed and Open Space Management; Healing the Bay; Agriculture in Marin County; Regional Open Space; Sustainability and Growth; ISTE and Local Government; Natural Gas Vehicles. For program call APA at (312) 955-9100.

April 27 - 29, Johnstown, Pa: *Heritage Partnerships 1994*, 16th Annual Conference on Historic Preservation, 3rd Annual Conference on the Pennsylvania Heritage Parks Program, sponsored by Preservation Pennsylvania, Center for Rural Pennsylvania and others. Two days cover theme tracks on: Community & Downtown Revitalization, Interpretation & Visitors Centers; Linkages in Heritage Areas, and Rural Landscapes. Fee: \$125. Call Preservation Pennsylvania at (717) 569-2243.

June 19 - 22, Harrisburg, Pa: *Rivers 2000 Conference: Building Partnerships for River Conservation* will focus on river conservation strategies and techniques in workshops and focus groups; river case studies, discussions with business, industry, agricultural and community leaders. Call (814) 234-4272.

August 7-10, Norfolk, Va.: The Soil and Water Conservation Society 49th Annual Meeting. Themes include Getting to Know Your Eco-Resource Region and Managing for Change, Complexity and Diversity. Contact Nancy Bushwick Malloy at (301) 649-3675.

Oct. 29 - Nov. 2, Chattanooga, TN: 7th National Conference of Land Trusts, Sponsored by the Land Trust Alliance and hosted by the Tennessee River Gorge Trust. Contact LTA at (202) 638-4725.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Sweeping changes proposed for Pennsylvania program

HARRISBURG, PA — Sweeping changes in how the Pennsylvania farmland preservation program is administered are proposed in four bills introduced in the legislature this session.

The legislation comes on the heels of major controversy within the program, centered on how the Bureau of Farmland Protection encumbered funds for easement applications not yet completed, in violation of program rules. Although legislation passed just prior to adjournment of last session effectively allows such allocations to continue, the Bureau remains under investigation by the state auditor general.

Sources now say an investigation is underway by the state inspector general as well, which investigates allegations of fraud, waste, abuse of rules of conduct or operational deficiencies, according to Bill Chadwick, who said reports are not made

public unless an employee is disciplined or a case is referred to a prosecutor. "If we identify criminal conduct, it usually goes to the state attorney general," he said.

Chadwick said his office was not allowed to discuss cases, and would not confirm that the Bureau of Farmland Protection is under investigation.

A bill introduced last fall, HB 1707, would require counties to establish easement programs and have them approved by the state board to be eligible for funding. Amendments since added would allow counties to use five percent of state allocations for program administration, and would allow counties to use allocations over three years before unspent funds would have to be returned for reallocation. Currently, funds are

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National Heritage Areas

Local protection efforts could benefit from federal proposal

WASHINGTON, D.C. — A new national program that would encourage communities to recognize and protect places of cultural, historic and scenic significance on a local or regional basis, is being proposed by the National Park Service and promoted by a coalition of organizations with interests in land protection.

The Heritage Partnership Program would offer assistance, on a competitive basis, to local initiatives that demonstrate an ability to manage a heritage area, once established. State and local governments as well as non-profit organizations could share responsibility for protecting an area's scenic quality and historic integrity and to interpret an area's cultural significance, according to Samuel N. Stokes, chief of the Rivers, Trails and Conservation

Assistance Branch.

Stokes is preparing legislation that would provide national support for projects that combine varying levels of protection for multiple resources. Federal regulations would be notably absent, according to Stokes.

"In each case a management plan [would be

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Heritage areas could augment farmland preservation efforts

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submitted] ... we would have to be satisfied the community is protected before we designate the area," he said. That management plan, developed most likely by an umbrella organization representing local, state or regional governments or groups, could call for conservation easements, restrictive zoning, historic status, public education or other elements, some of which might already be in place.

Stokes said proposed heritage areas would not have to be nationally significant. "We feel that part of what makes them significant is they are representative of areas like it," Stokes said.

Definition by example; benefits for localities

A draft paper about the park service proposal describes a heritage area as a place where history or culture is visible in the landscape. "A National Heritage Area is an idea for a new way for people to protect what they value about such places," the paper states.

Heritage areas seem difficult to define because they allow for local or regional import, but "sense of place" figures into the equation, as does landscape orientation and historic or cultural identity, which could include a particular aspect or period of history in which an area could be seen as representative. Present-day culture is equally important.

Perhaps the best definition comes by way of example. The first newsletter of the National Coalition for Heritage Areas, released last month, offers profiles of potential heritage areas that have been developed by local organizations, such as the Beach to Bay Indian Trail in Maryland, consisting of a corridor of interconnecting roads between the state's popular coast resort of Ocean City and its folksy bay seafood town of Crisfield. A committee founded in 1988 developed the route as a take-your-time, cultural discovery alternative to the state's congested beach access routes. The result was a formal designation as a National Recreation Trail by Interior Secretary Bruce Babbitt last October.

Designation as a Heritage Area would give localities extra technical support for managing development "to be compatible with the conservation of local heritage." Areas would be eligible for matching grants and technical assistance for feasibility studies and for creating management plans.

"Early action" grants would also be available for protecting vulnerable resources, and to develop programs and facilities, if part of the project. The draft paper acknowledges one of the reasons for developing the program was that many historically significant areas and scenic landscapes are "at risk of being lost through rapid development."

Like the Farmland Protection Policy Act, the proposal seeks to

What is a heritage area?

In some parts of our country, the settled landscape tells a unique story about the people that live there. Indeed, the natural environment, which caused people to locate in a particular place, contributes to the traditions and cultural values of the people who have lived there. In such places, indigenous ways of using the land have created landscapes that are distinctive and reflective of the cultures that shaped them. A National Heritage Area is ... a new way for people to protect what they value about such places.

Source: National Park Service draft "The Heritage Partnership Initiative"

Farmland interpreted in historic, cultural context

Below is a segment from the brochure of the Blackstone River Valley National Heritage Corridor. It provides a historic and cultural context in which to view the farming regions throughout the corridor and articulates the value of preserving rural character in elements such as roads and stone walls.

Agricultural lands and pastures are prominent landscape features in the central and upper regions of the Blackstone River Valley. Because farming predated the development of mills, farms are among the oldest visible settlements in the valley. Many mill owners also operated farms near their village.

Farmlands are generally found uphill from rivers and are characterized by open fields, orchards, stone walls, farmhouses, barns, and other out-buildings. Many roads, first laid out in colonial times, follow ridge lines that pass through farmlands. Often these roads are scenic with good views. They are not designed for fast automobile travel but for an earlier and less hectic way of life.

Industrial development actually strengthened farming in the valley. Farms provided food and other products for mill workers. Clustered mill villages allowed farmlands to exist between villages. By 1860, 70 percent of Worcester County was cleared open fields. In many places, forests have reclaimed farmlands, but stone walls separating former agricultural lands and pastures can be seen running between trees

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Heritage areas, from previous page

protect designated areas from impacts of federal government projects as well.

Blackstone River Valley National Heritage Corridor

There are currently four Congressionally-designated heritage areas. One is the Blackstone River Valley National Heritage Corridor that begins at Worcester, Ma., and extends about 35 miles south-east to include Pawtucket, R.I. The corridor area calls itself the birthplace of the American industrial revolution.

"The way people lived during this turning point in history can still be seen in the valley's villages, farms, cities and riverways —" according to the glossy, four-color brochure.

The brochure describes Blackstone as "a new type of park" encompassing 250,000 acres including "whole cities and towns, dozens of villages and a half-million people." The brochure points out that the federal government doesn't own or manage any land as it does in national parks. "Instead, people, businesses, nonprofit historic and environmental organizations, 20 local and two state governments, the National Park Service and a unifying commission work together to protect its special identity and prepare for the valley's future."

American landscapes and rapid change

The National Park Service said it is proposing the Heritage Partnership Program as a way to extend its mission beyond the protection that can be given to wilderness areas or historic places. Populated regions with a unifying geography, history or culture, according to the draft statement, "call for a distinctive system of recognition and conservation ... the traditional park model, based on federal land ownership and management, is not effective or appropriate in landscapes that gain much of their significance from the people who live and work there ... since the American landscape is now changing so profoundly and rapidly, the Park Service is looking to heritage partnerships as another tool with which to carry out its mission."

Heritage areas and farmland preservation

Last year a group of conservationists established the National Coalition for Heritage Areas to promote the proposed national program, with A. Elizabeth Watson, as chair.

Watson, a conservation and heritage consultant

who co-authored the book "Saving America's Countryside" with Sam Stokes and others in 1989, said she believes farmland preservation programs at the local level could benefit from participating in a heritage area, particularly where large areas of contiguous farmland are under easement. "Individual heritage areas could deal with agricultural issues, no doubt. They have an all-encompassing but loose framework," Watson said.

While traditional tourism may not be an aspect farming communities would want to develop for rural economic development purposes, Watson pointed out that "place-based" tourism, that might simply designate roadway vistas, "teaches respect for resources ... it builds appreciation for what [farmers] are trying to do." Farmland preservation programs, she said, should explore the heritage area concept to see how it can be adapted to the needs of an agricultural landscape and economy.

Heritage areas, Watson said, could provide a region with "a way to tell the farming story, to celebrate farming history." The Blackstone River Valley Heritage Corridor, for example, offers an interpretation of agricultural land use with an explanation of how farming in the 19th century changed the landscape.

Watson, currently a Loeb Fellow in Advanced Environmental Design at Harvard University, said she believes the local initiation aspect of the heritage area proposal will protect it from the "wise use" movement. "What I envision is simple federal support for locally-generated efforts," she said.

The heritage area concept could be useable for farmland protection in areas like Chester County, Pa., where strong community support for land protection and a state program for farmland preservation have made significant inroads. The Brandywine Conservancy, internationally renowned for its historic and environmental protections, holds conservation easements on 22,000 acres in the region known for its revolutionary war history. The Conservancy is largely responsible for keeping intact whole viewsheds that make up what could easily become a heritage area, with its wealth of historic, scenic and cultural elements, including the rich artistic legacy of the Wyeth family.

The work of the Brandywine Conservancy in land protection includes seeking ways to protect viewsheds from villages, according to historic

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TDC project gaining ground in San Luis Obispo County

SAN LUIS OBISPO, CA — An experiment in transferring development potential among parcels of the same community, first reported in FPR last April, has identified 12 potential pilot projects, according to Ray Belknap, executive director of the Land Conservancy of San Luis Obispo County. The list of projects is now under review by county officials.

The county, which hired the Conservancy to study the potential use of transferrable development credits (TDC) countywide, has appointed a technical advisory committee that will select a few of the projects to be implemented.

Last spring the Conservancy developed the concept of transferring development credits within communities on a voluntary, project-by-project basis, based on a project carried out in the late '80s.

In the mid-80's, San Luis Obispo County decreased the gross structural area allowed on lots, creating a market for development credits based on square footage. In 1987 the Conservancy began purchasing lots in antiquated subdivisions in the community of Cambria, along the county's steep coastline. The county assigned credits to the lots, which were sold to homebuilders seeking to build larger homes on less sensitive lots in the community. In that program, sending and receiving areas were "married" and every transaction was carried out by the Conservancy.

Keeping transfers limited to the community of origin made the transfer concept more politically feasible, Belknap said. This use of the transfer of development rights (TDR) concept was said by TDR experts to be unique and likely applicable elsewhere in the nation.

After the new technical committee selects projects from the list of 12, the Conservancy will spend six months on a more detailed study of how to assign credits to parcels that use the TDC option. The goal is to develop a way to assign credits to parcels that can serve as a countywide model.

"In the future if other projects would like to be approved, I'd like the system to be as uniform as possible. They should have clear examples. The pilot projects are the educational curve," Belknap said, adding that the major policy issue is whether receiving areas can be designated in the county's unincorporated communities. *Belknap: (805) 544-9096. Read More: See FPR, April 1993.*

etcetera ...

New STaR leadership focus on land use, sustainability

The Small Town & Rural Planning Division of the American Planning Association has elected new officers and regional representatives, several of whom work in the areas of sustainable rural economic development and land resource protection.

Chair-elect James A. Segedy, associate professor of urban planning at Ball State University, noted after last year's APA conference that rural land resource protection and traditional rural economic development efforts often work against each other. Segedy said rural development initiatives need to recognize agriculture and cottage industries as the most sustainable rural economy. He has been active in the division since 1986.

Among new regional representatives are Tom Daniels, of the Lancaster County (Pa.) Agricultural Preserve Board, for Region I (Pa., NJ, NY and New England) and Deborah Bowers, editor and publisher of *Farmland Preservation Report*. Bowers has been active in the division since 1990 and writes a column for the division's quarterly newsletter. Bowers will serve as representative for Region II, made up of Md., Del., D.C., W.Va., Ky., Tenn., Va., NC, SC and Ga. *Learn more: To join the STaR Division, contact member services at APA at (312) 955-9100. For a sample copy of the STaR newsletter, call or fax Jim Segedy at (317) 285-5188.*

Opponents say "take a second look" at Disney proposal

Warrenton, Va. — While national news media cover the Disney historic theme park proposed for Prince William County, Va., as if it is a "done deal", an opposition force is gaining ground, according to Blair Lawrence of the Piedmont Environmental Council. The PEC has spearheaded an effort to ward off the Disney proposal because of the increased congestion and related development it will bring to the ever-stretching urban edge west of Washington, D.C.

The park is proposed along Interstate 66, already so congested that outbound entrance ramps have stop lights. The park would be near the town of Haymarket, which has all but embraced the idea of giving up its small town identity in favor of the promised megabucks Disney development would bring. The park would also be very near the Manassas National Battlefield Park.

Prince William County government has long favored large commercial and industrial uses along I-66, much to the dismay of conservation groups interested in protecting the integrity of the Manassas battlefield area. The county has allowed commercial development adjacent to the park, but several years ago when it

allowed a shopping mall developer to begin construction on an adjacent site where civil war activity had occurred, the local conservation community sought — and received — help from Congress to halt it.

Disney opponents, including some state legislators in neighboring counties, are not taking Disney's figures at face value, especially while the company is seeking state funds for infrastructure to help build its park.

"Disney, of course, has all the money it needs to do whatever it wants," Lawrence said. "They're trying to convince everybody that [the park] is a done deal." And, national media have bought it, she said.

Soon however, the press may be hearing from the "Take a Second Look Campaign" coordinated by the PEC. The campaign has hired a public relations firm, legal liaison, and consultants to conduct economic and transportation studies. "We feel if [legislators] read our information, it would make them stop and think," Lawrence said. *Read More: For more information contact the "Take a Second Look Campaign" at 1-800-341-2334.*

Conservation interests working toward the 1995 farm bill
Washington, D.C. — The American Farmland Trust is setting its sights (along with scores of other organizations) on the 1995 reauthorization of the farm bill, which implements all agricultural subsidy programs.

"I expect we won't have a bill until Congress nearly adjourns at the end of '95," said Tim Warman, AFT's director of federal policy. "Everyone is working toward [the farm bill] now ... laying on the table a variety of ideas, positions, proposals. A lot of people are thinking about whether 1995 is the time for wholesale changes or just tinkering with definitions, payments and set asides, all in all, making [commodity] programs less valuable ... We also think the kinds of incentive payments farmers truly need ought to be tied to whole natural resource planning activity. There are a lot of proposals moving that are similar." *Contact: Tim Warman, (202) 659-5170.*

Eco-awareness for San Francisco APA conference

The American Planning Association annual conference, to be held in San Francisco this April, will include an extensive list of environmentally related sessions and mobile workshops that reflect the state's environmental activism. Twenty-six mobile workshops will focus on myriad environmental topics from "Balancing Habitat Conservation and Development" to "Urban Creek Restoration." Mobile workshops also include "Agriculture in Marin County" and "North Bay Wetlands and Agriculture Preservation." Several other sessions and workshops focus on open space preservation and sustainability issues. *Plan a trip: Call APA at (312) 955-9100 for preliminary program. Conference dates are April 16-20.*

N.J.: A program evolves

Local vision key to planning

TRENTON, NJ — Would farmland preservation, when practiced statewide, benefit from strategic planning? Would precious preservation dollars be better spent by identifying the state's best farmland and concentrating easements there?

No, according to Don Applegate, executive director for the New Jersey program, who says agriculturally important lands are located throughout the state.

"Large contiguous blocks of prime farmland are in the rural parts of the state. They are agriculturally important. But, in agricultural reality and in political reality, there are smaller blocks of important agricultural land, and having those key lands retained in the suburbs has a direct agricultural and economic benefit."

And, Applegate adds, "it helps us garner political support," a necessity for which Applegate offers no apologies.

When the program began in 1988, the state board anxiously anticipated applicants. But five years later, Applegate said localities have developed sophisticated selection processes. He is encouraged by how the counties presented their last round of easement projects after last year's handing down of greater responsibility to county boards. That was a logical move for the program and part of what Applegate sees as a natural evolution in a process that depends on recognizing potential in local agricultural economies.

"Every county knows what it wants ... we see a coming together of project areas that make sense. You can see where the holes are and they have plans to fill them in. Some counties would like to have more tools to work with, but we don't have them."

Applegate said the farms that counties are bringing into the program are "a good fit to the state planning process ... they're really honing in on important lands ... it's not the random buckshot we feared," he said.

Applegate doubts that designating the state's most productive areas and targeting them for easement purchase would have worked. "If I was totally naive, I would have had a priority hit list. It wouldn't have worked. We have to deal on a county by county basis. It's worked out better than anyone would have guessed."

Pa. county administrators hit with plethora of legislative proposals

continued from page 1

reallocated after one year although during the first three years of the program, from 1989 to 1991, counties kept annual allocations, with the first reallocation occurring at the end of 1991.

Another bill, HB 1860, would allow proceeds from the sale of state-owned agricultural land to be placed in the farmland preservation fund. In addition, this bill would establish a conservation easement assistance grant program to help counties create spatial mapping databases and purchase consulting services for technical assistance in establishing agricultural zoning or local easement programs.

A third bill, HB 2520, would reduce the required acreage of agricultural security areas from 500 to 250 acres. This bill would also formally allow counties to purchase easements through installments, and would allow counties to invest state funds allocated to an installment agreement.

The installment method allows the landowner to defer or avoid capital gains tax under a method created by government finance consultant Daniel P. O'Connell in 1988. The method is used by Howard and Harford counties in Maryland, and by Mercer County in New Jersey. O'Connell, of Evergreen Capital Advisors, Inc., said several other counties in New Jersey are considering use of the installment purchase method, including Burlington and Monmouth counties.

The fourth bill, HB 2521, possibly poses the most controversial set of proposals. It would establish a review and re-certification of each county program every seven years and would provide for more scrutiny of applications by the state board. Soil productivity ratings and proximity of applicants to significant farming areas or other easement farms would be included in new criteria for state board decisions.

"This gives the state board way too much discretion," said Tom Daniels of the Lancaster County Agricultural Preserve Board. "They certainly have the right to question an appraisal, but with these other things they are taking over the function of the county boards," he said.

Mary Ann Cover, of Montgomery County, said the state program's original intent of providing localities the greater part of discretion should remain intact. "Local boards probably have a better perspective on farms in their own localities ... [our] board has not favored generally applied theories coming down to all counties."

In addition to broadening state board discretion, HB 2521 would establish per-acre caps on state funding use, providing 100 percent funding of the first \$2000, 80 percent of the next \$1000, 60 percent of the next \$2000, 50 percent of the next \$5000, 25 percent of the next 5000 and 10 percent on the next \$5000, which is the \$20,000 per acre limit. Beyond \$20,000 per acre, the state will not share cost.

New Jersey program officials last year proposed a sliding scale

legislative and program briefs ...

In Wisconsin ... Farmers received more than \$43 million in direct benefits through the state's property tax credit programs in 1993. To qualify, farms must be zoned for exclusive ag use, or farmers must enter a restrictive agreement with the state. About 78 percent of the claims are for land under exclusive agricultural zoning.

In New Jersey ... Counties met their first 12-month cycle deadline Jan. 15 — the first time county administrators had to meet a deadline since the program got underway in 1988. The number of applications, 66, was smaller, according to Don Applegate. "We didn't know what to expect, but there was a good, competitive number of farms. Counties were careful with what they put forward."

The program recently protected its second farm using the program's emergency fee simple option.

In Michigan: Michigan Gov. John Engler has named a task force to study "the nature and extent of loss of agricultural land in the state" and to recommend ways to save farmland. A report released in 1992 cited a need to critically examine land use issues in relation to urban sprawl and its effect on farmland. The American Farmland Trust (AFT) will provide staff support for the task force. The AFT led a similar study in Kentucky that has resulted in legislation that could create a statewide farmland easement program there this year.

Contact: Gary Kozel, (202) 659-5170.

In Maryland ... A legislative subcommittee told county program administrators that the state program's two-cycle application year, in effect since 1989, has not had time to prove itself, and that the issue of two cycles causing funding difficulties and confusion for applicants will not be examined this session. The subcommittee will, however, seek to strengthen the program's lot exclusion provision by requiring that those seeking lots have building permits deemed non-transferable. With documentation, restrictions would be lifted from the lot. Paul Schiedt, (410) 841-5860.

In Minnesota ... Participation in the Metropolitan Agricultural Preserves program took a nose dive in 1993 despite a new minimum property tax credit of \$1.50 per acre for farms enrolled. Enrollment is not automatically renewed, and Carver County, the state's most active participant, saw 8,000 acres lapse when participants failed to renew their enrollment, according to state program administrator Tori Flood. In Dakota County, 1,800 acres were lost due to lapsed status. Flood said legislation this session proposes an easier renewal application, but no substantive changes are in the

please continue to next page

pipeline. Seven Twin Cities area counties not included under the larger statewide program have seen waning interest in the program as tax rates rise making tax benefits less attractive. *Tori Flood, (612) 291-6621.*

In Pennsylvania ... Five bills that could result in significant changes to the farmland preservation program have been drafted (see story this issue). Among possible changes: Decreasing from 500 to 250 the number of acres required to establish an agricultural security area; increased areas of discretion for the state board in evaluating applications; a formal allowance to use installments to purchase easements, allowing counties to invest state allocations for such agreements; allowing counties to use five percent of state allocations for administrative expenses; a sliding scale cap on per-acre allocations. *For copies of bills, call (717) 783-5183 and request HB1707, HB1860, HB 2520, and HB 2521.*

Federal government ... Former Iowa farmer, state legislator and educator Paul Johnson was named chief of the Soil Conservation Service. SCS veteran state conservationist for Maryland, Pearl Reed, was named associate chief.

Clinton budget: The proposed FY 1995 USDA budget: While looking for ways to make cuts, the ax is not likely to fall on new conservation programs within the Soil Conservation Service, according to Community Assistance Branch Chief Lloyd Wright. "If anything, we'll strengthen those [programs]," he said, which include increased technical assistance to urban land use and watershed protection, and implementation of the Farmland Protection Policy Act. Proposed funding for the Farms for the Future Act is decreased from \$4 million to \$3 million, which will allow the Vermont pilot project to continue; sustainable agriculture research and education would receive a 33 percent increase, and integrated pest management a 24 percent increase.

In Congress ... the reauthorization of the Clean Water Act addresses nonpoint source pollution and wetlands protection. The American Farmland Trust is urging the adoption of "total farm natural resource management." The AFT is advocating that money available for water quality issues be targeted to urban fringe areas where watershed degradation is greatest and under continual threat. Cost-sharing is the focus, according to the AFT's Tim Warman, who said on-farm assistance in water quality protections could enhance the viability of the farming operation. H.R. 1440 provides for a single site-specific resource management plan that integrates various soil conservation plans required for compliance with federal programs. Still pending is the Rural Land Conservation Act, (H.R. 2031 and S. 1013) introduced last May, that would exclude from a gross estate the value of land subject to a permanent conservation easement if the property is within 50 miles of a metropolitan area.

Pennsylvania program, from preceding page

formula for allocations beginning at 80 percent of the first \$1000, and 70 percent of the next \$2000. The proposal was controversial from the start, with urban counties fearing a devastating local share. State officials finally decided to make the sliding scale optional.

In Chester County where the average per-acre cost is \$4300, and in Montgomery County, where the average per acre cost of easements is \$6000, the cap could be detrimental, according to Mary Ann Cover.

"I think from past experience, the [Montgomery] board is concerned about a chilling effect on the program. They want to make it available to as many farmers as possible," she said.

The cost of easements in Montgomery County could be the target of the proposed funding caps. In the fall of 1991, the Montgomery County board approved the purchase of an easement costing \$2.52 million for a 169-acre farm, nearly \$15,000 per acre. The farm was inside a borough with public water and sewer available.

Other county boards claimed such purchases would damage the credibility of the program and circumvent its larger purpose of building a critical mass of farmland that would support a local ag economy. Cover said the farm met productivity criteria and was representative of local farming viability. The county paid 24 percent of the cost, about \$600,000. On the same farm, under the proposed funding caps, Montgomery County would pay 49 percent, about \$1.2 million.

Tom Daniels, of Lancaster County, who strongly criticized the Montgomery easement in 1991, said a cap could be useful for the program, but that the threshold would be more fair starting at 100 percent of \$3000 per acre. A \$2000 cap, he said, "would make it very difficult for many counties to do deals on urban boundaries." Lancaster's average cost is \$2000 per acre. Counties now typically pay between 10 and 15 percent of easement cost.

Both Chester and Bucks counties placed \$10,000 caps on per-acre costs early in the program.

Ray Pickering, program administrator for Chester County, said he would be opposed to the three-year allocation allowance. "It just ties up the money in counties that aren't really serious and penalizes [more active] counties. It was fine for the start-up period, but its not necessary now," he said.

Pickering also feels that the requirement of 500 acres for ag security areas should remain intact and not be changed to 250 acres. "We've never had trouble reaching the 500 requirement. There may be a couple of isolated areas that would benefit, but overall I'd like to see it stay."

Ellen Dayhoff, administrator for Adams County, agreed the acreage requirements should not be changed. "It's not necessary ... I'm concerned about the reasons behind the legislation," she said.

Contact: Tom Daniels, (717) 299-8355; Ray Pickering, (215) 344-6285; Mary Ann Cover, (215) 278-3722.

Heritage areas, from page 3

preservation planner Bob Wise. "One of the main things we are trying to create is a transition between historic buildings and pastureland, and between the pastureland and the manicured lawns of new homes." Chester County already is home to several historic designations and land trust work that a heritage area could "arc over", according to Elizabeth Watson. Heritage areas have "a capacity for bonding and appreciating all the resources at one time."

Heritage areas could complement farmland preservation efforts, according to Ray Pickering, administrator for the Chester County farmland preservation program, which gives points for historic significance of a property when evaluating easement applications. The county board could work with a heritage area proposal, he said. "I think anything along these lines would be great to augment the program," Pickering said.

Legislation in Congress

Two dozen bills pending in Congress propose individual heritage areas for places as diverse as the Shenandoah Valley in Virginia, the New Jersey coast, the Augusta canal in Georgia, and the city of Wheeling, W. Va. One of those bills, H.R. 3707, sponsored by Rep. Bruce Vento of Minnesota, proposes establishment of an American Heritage Areas Partnership Program, similar to the National Park Service proposal.

The Vento bill, however, differs from the National Park Service bill, which is still in draft

form. While the Vento bill would have the program work through states, the National Park Service bill will call for the park service to work directly with communities requesting heritage area status. Also, according to Sam Stokes, NPS would have management plans done prior to designation, while the Vento bill would designate areas first.

A conference next month in Washington, D.C. will examine heritage areas in depth. (See below). *Sam Stokes*, (202) 343-3775; *Elizabeth Watson*, (617) 491-3624; *Bob Wise*, (610) 388-7601; *Ray Pickering*, (215) 344-6285.

resources ...

Publications

- *An Analysis of the Impact of Recent Budget Legislation on the Distribution of Farm Program Benefits*
Center for Rural Affairs \$4
This report demonstrates how moderate-sized farms are being hurt by federal budget cuts to farm programs. Send check for \$4 to CRA, P.O. Box 406, Walthill NE 68067.
- *Conservation Options - A Landowner's Guide*
The Land Trust Alliance, 64 pp., \$7.50
Explains techniques in layperson's language and includes: interviews with landowners that have protected their land, federal tax information, charts with overview of options. Call (202) 638-4725.
- *The Standards and Practices Guidebook - An Operating Manual for Land Trusts*
The Land Trust Alliance, 500 pp. \$45
The LTA calls it "a milestone for the land trust movement" that "is destined to quickly become the essential publication for land trusts." Provides the legal and ethical guidelines boards of directors should know and authoritative advice on all aspects of operating a land trust and planning for land conservation. Call (202) 638-4725.
- *Saving Special Places: A Centennial History of the Trustees of Reservations*
By Gordon K. Abbott, Jr.
Ipswich Press, 1993, 352 pp. 181 photos, \$20

Recounts how the world's first land trust came into being in Boston in 1891, and provides an historic framework for the land conservation movement. Call the Trustees for ordering information at (508) 921-1944.

- *The Wetlands Reserve Pilot Program: An Assessment Based On State Leadership Workshops*

The American Farmland Trust, Dec. 1993, 15 pp.
The Wetlands Reserve Program, (WRP) established in 1990, is a voluntary program that compensates landowners for restoring and protecting wetlands previously altered for crop production. The AFT conducted workshops in seven of the WRP pilot states to assess the effectiveness of the program. This report covers the workshop findings and recommendations. For a copy, call Gary Kozel at (202) 659-5170.

Conferences

March 13 - 15, Washington, D.C.: Heritage Partnerships: A Rally for America's Real Places, sponsored by the National Coalition for Heritage Areas and others. Workshops include Getting a Heritage Area Started; Transportation: A Heritage Area Link; Ecosystems as Heritage Areas; Folklife in Heritage Areas; Regional Economic Development; ISTEA and Heritage Areas; Sustainable Development and Main Street; Land Trusts and Conservation Districts; Landscape Preservation and Scenic Views; The Role of Local History; Rural Economic Development; Engaging the Corporate Sector. A walking tour of Georgetown, a biking/hiking trail tour and a trip to Capitol Hill are offered. Fee: \$160. Contact Clare Novak at (202) 673-4204 for registration information. The conference will be at the Georgetown University Conference Center.

April 16 - 20, San Francisco: Annual American Planning Association Conference, features many sessions and mobile workshops with environmental and sustainability topics including: Sustainable Rural Communities; Rural Regional Planning and Development; Farms and Cities in Marin County; Retrofitting Suburbia; New Jersey's State Planning Process; Peninsula Watershed and Open Space Management; Healing the Bay; Agriculture in Marin County; Regional Open Space; ISTEA and Local Government. For preliminary program call APA at (312) 955-9100.

August 7-10, Norfolk, Va.: The Soil and Water Conservation Society 49th Annual Meeting. Themes include Getting to Know Your Eco-Resource Region and Managing for Change, Complexity and Diversity. Contact Nancy Bushwick Malloy at (301) 649-3675.

farmland preservation report

... covering the policies, practices and initiatives
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Pennsylvania program woes

Fix-it bill forgives violations, but investigation will proceed

HARRISBURG, PA — A bill that legitimizes a state program practice of encumbering funds for incomplete easement applications, was passed by the legislature Dec. 8.

Last minute passage of SB 1193 allowed counties to secure 1993 easement funds by submitting, by Dec. 31, agreements signed by landowners and county boards. While the bill forgives program rule violations, an auditor general's investigation requested by Lancaster County Nov. 10 will proceed.

Since October, when Lancaster County threatened legal action if program rules regarding encumbrance of funds were not followed, (*see FPR, October 1993*) counties had been put under pressure to meet a Nov. 12 deadline and to submit by that date all required documentation for easement purchases. Program rules, Lancaster commissioners said, had been routinely violated in favor of counties that had not committed adequate administrative support for their programs and therefore were

missing deadlines. Lancaster claimed it had lost as much as \$2 million in reallocations because of the practice.

Passage of the fix-it bill, however, does not rule out legal action by Lancaster County, according to County Administrator Sherri Heller. The county could still seek a court order for reallocations it would have received in 1991 and 1992, the program's first reallocation years, had the Department of Agriculture's Bureau of Farmland Protection been following program rules.

In November, Lancaster County officials requested an auditor general's investigation into the practices of the Bureau. Lancaster's request grew out of information it received from a Bureau employee who told them that funds had been encumbered for at least 100 easement applications that were incomplete and had not been approved by the state board until after the end of 1991 and

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Delaware steers clear of call for top-down state planning

DOVER, DE — Local and state agency planners in Delaware have been calling on the state to provide guidelines as new comprehensive plans, due at the end of 1995, are being drafted.

But unlike its neighbors in Maryland and New Jersey, where state planning has been promoted or adopted, respectively, the answer so far from Gov. Thomas R. Carper's office has been, do it yourselves. The administration seems to be steering clear of state land use planning.

When he took office, the governor appointed a commission to study government reorganization and effectiveness. The commission issued its report in October. Its conclusion regarding the call for

state planning was that the state had plenty of plans already, that they needed to be coordinated, and that although there was no statewide coordination of land use and infrastructure planning,

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Pa. counties get deadline relief; Lancaster has legal options

continued from page 1

1992. Counties had been allowed to file applications, and funds were encumbered by the end of the year, even though some paperwork, notably land surveys, were not completed.

Despite passage of SB 1193, an auditor general's investigation will still be carried out, according to Ronald Solomon, director of the Bureau of Departmental Audits.

"We will review this legislation during the audit, and address [Lancaster's] concerns," Solomon said.

Under the Pennsylvania program rules, money is allocated to all counties for easement purchases, regardless of whether the county has an active program. Under law, those counties that do not use the funds, and, those counties that miss deadlines because of work not completed, lose their funds. That money is then reallocated the following year to counties that successfully completed program requirements.

Last October it became clear those rules were not being followed, when state Department of Agriculture Secretary Boyd Wolff admitted the Bureau had "misinterpreted" its own program rules and had been encumbering funds prematurely, resulting in decreased reallocations to eligible counties, including Lancaster.

Lancaster County Agricultural Preserve Board director Tom Daniels said Lancaster County was being "penalized" by the practice, which he said was politically motivated, representing an attempt to spread farmland preservation funds to more counties and to curb funds to counties that had preserved comparatively large numbers of acres.

In a draft complaint filed with the auditor general's office Nov. 10, Lancaster County cited state regulations on encumbrance of funds, saying funds could not be considered encumbered until a contract of sale had been executed by the state board.

Lancaster County said that the Bureau of Farmland Protection, at the end of 1991 and 1992, had been treating easement applications as though they were complete, even though the state board had not yet reviewed them, and even while land surveys and in some cases subordination agreements, as required by law, had not yet been submitted.

Lancaster submitted to the auditor general a

letter from Bureau director Fred Wertz, addressed to county administrators in Sept. 1992 that listed requirements for approval that were, according to Lancaster, "inconsistent with the requirements of the Act and its regulations." According to information it had received from a Bureau employee, Lancaster asserted that the check-off list for application approval contained in the Sept. 1992 letter, were also, ironically, not met by some counties, yet funds were encumbered.

If it took legal action, Lancaster could seek a court order requiring the state board to recalculate the amount of funds to be reallocated, considering only the funds encumbered legally, and requiring that Lancaster County and all other counties entitled to additional funds be credited on the basis of the recalculation. Under such action, the program could debit counties that had received reallocation amounts greater than their legal entitlements for 1991 and 1992.

The effect of SB 1193, according to Tom Daniels, is that it allows counties to continue to participate with part-time and inexperienced staff, and does not hold the department of agriculture accountable for having violated program rules.

"The main problem with this approach is there's no way of monitoring which counties have abided by the regulations, because the department of agriculture has been less than forthright. We know there was widespread cheating at the end of 1992," that is, less than complete applications were deemed complete, he said.

"The regulations as originally drafted were good. It's a shame they have to change good regulations to accommodate poor work on the part of some counties," Daniels said.

Daniels said SB1193, legislation initiated by Rep. William Lloyd, did not take into account proposed bill HB1707, supported by Lloyd, that would allocate funds only to counties with state-approved programs. That bill did not see action during the past legislative session.

Without taking HB1707 into account, Daniels said passage of SB1193 assures that "millions will be allocated to counties without programs, so money will sit there a year. To me, that is a very serious error on the part of the department of agriculture and Lloyd. This 1193 is a very narrow-

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Pa. program, from previous page

minded piece of work. That counties four years into this program cannot get their applications in on time does not speak well for the program. What 1193 really does is make legal what they were doing illegally before."

Just 25 of the state's 66 counties have purchased easements through the state program, now entering its sixth year. Nearly all of the counties that have programs are located in the southeastern quadrant of the state.

The program's original intent, according to Daniels, was to provide all counties with incentive to develop programs, but to reroute funds back to counties that had a demonstrated use for the funds. SB1193, Daniels said, will result in funds being "more diffused... funding will not be as concentrated in the southeast as it should be."

Edward P. Thompson Jr. of the American Farmland Trust, who was instrumental in developing the Pennsylvania program, said the original funding formula was a compromise between an interest in applying funds to areas under the strongest development pressure and an interest in providing political fairness.

"There clearly was an intention of targeting the money. We really did want money to go to counties that were serious. That was the idea." Thompson said that no more than a dozen counties account for half of the state's agricultural production.

Daniels believes the slowed economy has given the southeastern part of the state a chance to preserve farmland before another onslaught of rapid development. "What we have here is a window of opportunity and if we don't get the preservation done within the next five or six years, we're going to lose the battle to preserve the state's best farmland," he said.

According to the state's department of agriculture, Pennsylvania's agricultural land plunged from 12.3 million acres in 1960 to 7.8 million acres in 1989. In the decade from 1975 to 1985 alone, Pennsylvania lost 900,000 acres of farmland, equivalent to losing an area the size of the city of Pittsburgh every six months. The state ranks first nationally in the production of mushrooms, potato chips and milk chocolate, and holds top-five rankings for frozen dairy products, eggs, peaches, cherries, grapes, fresh sweet corn, apples, and other foods.

Contact: Tom Daniels, (717) 299-8355; Sherri Heller, (717) 299-8300; Ed Thompson, (202) 659-5170.

Farmland loss expected with new Oregon program rules

SALEM, OR — It's too soon to tell how Oregon's new, more lenient rules for dwellings on farmland will affect the state's farmland protection goals, according to Mitch Rohse of the Department of Land Conservation and Development (DLCD). But most likely, he said, passage of HB 3661 will result in more homes on farmland not classified as having high-value soils.

"We won't be able to evaluate it until the end of 1994. We'll have an inkling of what's going on by mid-94," Rohse said.

Since 1973 Oregon has been protecting farm and forestlands through the designation of Exclusive Farm Use (EFU) zones. New parcels had to be large enough to support commercial agriculture, as determined locally. Parcel size varied, by county, from 20 to 320 acres. But by the late 1980's, it was recognized that counties were approving many more non-farm dwellings on large lots in EFU zones than could reasonably be determined to be protective of the larger agricultural economy.

HB 3661, which took effect Nov. 4, retains EFU zones but changes how new homes can be built within them. Generally, the new law makes it easier for owners of farm and forestland to obtain building permits. Owners of lands not classified as "high-value lands" will have an easier time of it than those with land falling under that classification. The law also repeals rules adopted for "small-scale resource lands" adopted in Dec. 1992. Those rules, resulting from an extensive public review and hearing process, also loosened restrictions for new dwellings, but did so by providing a new "secondary lands" zoning classification.

The new law establishes a "lot of record" system, under which a parcel created before Jan. 1, 1985 will retain its original development rights if it: 1) has no dwellings; 2) is owned by the same person, relative or heir; 3) is not highly productive farm or forestland, and 4) complies with other applicable regulations.

The new law classifies soils that are predominantly prime, unique or SCS Class I or II as "high-value farmland." Orchard and grazing land may also be classified as high-value land as well as certain other lands in the Willamette Valley, Rohse said.

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Planners say Delaware needs state plan, leadership

continued from page 1

such planning "must originate from the bottom up, rather than from some large, unwieldy state bureaucracy."

The governor asked cabinet officials to develop a bottom-up approach to land use planning. So far, the group has identified about a dozen local, regional and state government bodies required to perform planning functions, and is working to create a database that will provide a better understanding of who is planning what, and how those plans affect other activities and policies. According to a report from the commission's planning task force, the administration plans to work with counties "to discuss an appropriate forum for resolving inter-governmental differences among counties and between the state [and counties]."

That approach, however, is "better communication, but not state planning," said Michael McGrath, director of the state farmland preservation office.

"I can understand why they are gun-shy about state planning," he said, referring to the sophistication of the New Jersey model, "but at the other end of the spectrum — doing nothing — is not acceptable either." McGrath said a middle ground would have to be found.

A recent annual dinner meeting of the Delaware Chapter of the American Planning Association, which the governor's director of policy and planning attended, was "a wake-up call on this issue" for the administration, McGrath said. Plans for a new state office building that would house 40 offices was related at that meeting, McGrath said, and no one, including some top state officials, had heard about it. McGrath said the incident was a good example of how even facilities planning in the state was uncoordinated.

Similarly, McGrath said, there is no formal mechanism for the city planner in Dover, for example, to find out about farmland preservation activities taking place outside the city limits.

McGrath said state government has been sensitive about state planning since efforts in the 1970s and 80s to develop state planning was opposed by the state's business interests. Now, however,

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etcetera ...

Administrators want changes to Maryland program

Program administrators from Maryland's most densely populated counties have been meeting to discuss possible changes to the state farmland preservation program. The discussions were initiated after a joint subcommittee of the state legislature took up a review of the program's lot exclusion provision. Administrators then decided to present additional concerns to the subcommittee.

While preventing abuse of lot exclusions is important, according to several administrators the issue of largest concern to localities is that the two-cycle application year is too burdensome to administer. "In making offers, any one county will always have some money leftover that isn't enough for an easement offer," said Bill Powel of Carroll County. Sixteen counties now splitting \$7 million, means "there isn't enough money to warrant breaking into two cycles," Powel said. "Applicants are in two cycles at one time. We have to remind all applicants to re-apply because of the overlap."

Paul Schiedt, state program director, said ease of administration is important, but "landowners are who make this program work," and that the opportunity to apply to the program twice a year may have become too important to erase. "Frankly, the extra work isn't a reason to do away with it," Schiedt said, adding there may be other ways to lessen the confusion of the two-cycle year.

The two-cycle year was started in 1989 in an attempt to shorten the period between application and settlement. Deadlines were established for July 1 and January 1 of each year, and would overlap to allow applications for the second offer cycle to be accepted while first cycle offers were being made.

It was estimated the two-cycle year would reduce by an average of four months the period from application to settlement, although some administrators say that has not happened. The benefit for landowners was that the longest they would have to wait to apply was six months.

The issue of preventing misuse of lot exclusions, which the joint subcommittee will be addressing, is also of importance to the administrators involved in the initiative, and a point on which all administrators were voting on at press time. Currently, with an allowance of up to 10 lots for children, landowners present a birth certificate to prove they are entitled to a child lot and construction is required to begin within a year.

The problem, according to Donna Mennitto of Howard County, is in monitoring use of the lots. One option is to have a two-stage release, with the first release being conditional, and then with the conditions met, a final release.

Another option is a stronger release document stating explicitly how a violation will be punished, with enforcement provision. Landowners could be given the option to demolish a home constructed illegally, or to pay the state the fair market value of the lot without improvements. Mennitto believes such an enforcement provision should be retroactive.

Paul Schiedt said the joint subcommittee was scheduled to address only the lot exclusion issue, and that presenting it with other concerns may prove unproductive. "There will be time to focus on these issues at a later date with the foundation. The more issues we have the more confusing it will be [for the subcommittee] and it may end up in a non-result," he said. *Contact: Bill Powel, (410) 857-2131; Donna Mennitto, (410) 313-5407; Paul Schiedt, (410) 841-5860.*

Kentucky legislature to consider major ag initiative

Frankfort, Ky. — What could become the nation's most comprehensive agricultural protection initiative, which includes an easement program, will come to light in the Kentucky legislature this session and is the result of a year-long project facilitated by the American Farmland Trust and strongly supported by Gov. Brereton C. Jones.

A bill sponsored by Rep. Bill Lear, a member of the Governor's Agricultural Policy Task Force and an expert on Kentucky land use law, will seek to preserve farmland, ensure continued viability of the state's agricultural economy, and encourage farming practices that are sustainable and environmentally sound.

All but a few of the task force proposals will be incorporated into a single bill. Land conservation proposals, in addition to the easement program, include conducting a comprehensive fiscal impact study of the agriculture, equine and forest products industries; identifying agricultural lands of statewide importance; enforcing the state rollback tax law; and strengthening the state's agricultural districts law.

Other proposals to boost agriculture, a \$3 billion business for the state, include: promoting establishment and expansion of value-added agribusinesses; revising the state inheritance tax to help save family farms; developing cost-sharing and technical assistance to promote adoption and use of agricultural BMPs; funding environmental research, testing and cleanup.

It's too soon to tell whether support will be strong, said Rep. Lear. "I think there's a lot of it that will be well received." Funding for the easement program will be the toughest issue, he said. *Contact: Craig Evans, (202) 659-5170.*

Delaware: Small state with big problems

"...we have several state agencies, three counties, and about 50 municipalities going their separate ways, without considering their land use and public finance impacts on Delaware as a whole. Land use changes anywhere in our small state tend to impact the entire state. The high degree of travel between counties for jobs, shopping, services, recreation, etc., makes my point."

— Gerald F. Vaughn, University of Delaware economist

Delaware, from preceding page

McGrath believes the business community may be recognizing the benefits of land use planning in the midst of increased federal and state environmental regulations.

McGrath believes state comprehensive planning could provide a better look at the state's future quality of life, something corporations are increasingly interested in pursuing. That's something state officials may not have yet recognized, he said. The lack of planning, McGrath told a reporter after the APA meeting, would discourage investors from coming to Delaware.

"The lack of planning will result in the unwise expansion of infrastructure and the taxpayers will pay for it," McGrath said.

William Cohen, senior resource planner for the state natural resources office said time is running out for state planning. "It is important that we come to grips with this and not have so much paranoia about planning," he said.

Planners attending the meeting said the governor's director of policy and planning, Jeffrey Bullock, who addressed the meeting, was vague about the state's role in improving coordination between the state and its three counties when approval of the 1995 comprehensive plans is due.

In addition, Bullock left the planners perturbed when he told them, "I am not in favor of a planning office, but I am in favor of state planning."

Contact: Mike McGrath, (302) 739-4811. Parts of this story were culled from an article in the (Del.) State News by Carlos Holmes.

Oregon changes farmland focus

continued from page 3

Dwellings may be built on high-value farmland under the former provisions for farm dwellings, housing for farm help and temporary dwellings in cases of medical hardship.

But the new law adds two provisions, the farm-use test and the small-tract test. The farm-use test will allow farmers to create lots on high-value soils where farm use is not practical and where a new home will not interfere with farm operation. The small-tract test will allow one dwelling on a small tract on non high-value soils where the tract has 21 acres or less and where it is bordered by small tracts with dwellings on them.

Nonfarm dwellings in EFU zones also have new criteria for approval, with two sets of guidelines: one for counties in the Willamette Valley and one for all other counties.

Rohse said old and new provisions together provide nine ways to build homes on farmland in Oregon. Under former provisions new dwellings can be built: as "farm dwellings"; as shelter for farm workers; and as temporary shelter during medical hardship. Under new provisions, homes can be built: on lots of record; on hard-to-farm parcels of high-value farmland; on small tracts of high-value farmland; as nonfarm dwellings in the nine Willamette Valley counties; as nonfarm dwellings in the 27 other counties; and, to replace a dwelling.

Counties have until early spring to amend their land use plans to conform to HB3661.

In addition to expecting more homes built on non high-value farmlands, Rohse said state planners believe the new law will result in fewer new dwellings on the state's best farmlands, particularly in the Lima Valley, and more new homes in forest zones throughout the state.

Blair Batson, a staff attorney for 1000 Friends of Oregon said, however, there is no way to predict or to adequately monitor the effects of HB3661. "There's no funding to follow the effects of it," she said. "No one knows how many lots and parcels there are ... and all the existing ownerships are eligible for dwellings. You may get a feel for what's going to happen, but they won't know for years."

Batson said a real threat to farmland protection in the new law is the allowance for nonfarm dwellings on an unproductive part of a farm. This change came about, Batson said, from a court decision called *Smith v. Clackamas County*. The result is that it will be much easier for farmers outside the Willamette Valley to establish new nonfarm dwellings.

Because effective farmland protection means preservation of large, uninterrupted blocks, "the Smith case was a major step backwards," Batson said.

Batson said, however, there are possibilities for positive change with the new law, such as the new limitations on land divisions within EFU zones, and the rule for high-value farmland protection.

legislative and program briefs ...

In Oregon ... The state's Planning Goal #5, "To conserve open space and protect natural and scenic resources," could come under a major review in 1994, "that will be a significant exercise because conservation forces are concerned the goal is too weak," said Mitch Rohse, information director for the Department of Conservation and Development *Rohse, (503) 373-0050. 1000 Friends of Oregon* has not yet chosen a new executive director. Final candidates are from within and outside the state.

In California ... An agricultural land stewardship and preservation proposal will come forward complete with an outline for a conservation easement program to be introduced in the legislature this year, according to Erik Vink of the American Farmland Trust (AFT) western office ... The secretary of state certified the CALPAW (Californians for Parks & Wildlife) referendum, to appear on the June 1994 ballot. The initiative was spearheaded by the Planning and Conservation League and filed by the CALPAW steering committee, of which the AFT is a member. If passed, the measure will provide \$71 million directly to farmland protection efforts in more than a dozen counties. *Erik Vink, (916) 753-1073.*

In Pennsylvania ... Passage of SB 1193 on Dec. 8 allowed counties to submit easement applications to the state through Dec. 31, and allowed for encumbrance of funds upon submission of signed easement agreements between landowners and counties. The bill in effect relinquishes all other requirements for encumbrance of funds under original program rules ... Meanwhile, an auditor general's investigation of Bureau of Farmland Protection practices is underway, requested by Lancaster County officials Nov. 10. A lawsuit claiming lost reallocations remains an option under consideration. *Tom Daniels, (717) 299-8355.*

In Maryland ... An initiative by metropolitan area program administrators seeks changes to the program, including a return to one application cycle per year. The program has been running two cycles per year since 1989, under the belief it would speed up settlements. Other changes under discussion at press time: how best to prevent abuse of lot exclusions; adding flexibility to the size of allowed lots, now restricted to one acre. A legislative subcommittee is addressing the lot exclusion issue. *Donna Mennitto: (410) 313-5407.*

In Delaware ... Although the program remains unfunded and easements cannot be purchased,

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staff is working to produce a GIS "strategy map" for determining preservation priorities in the state. The map will be interactive, manipulating data based on public support and other factors, and providing "what-if scenarios" according to Mike McGrath of the Dept. of Agriculture, Ag Lands Preservation Section. *McGrath: (302) 739-4811.*

In Illinois ... The Local Development Policy Task Force of the Northeastern Illinois Planning Commission (NIPC) is conducting a study of the compatibility of land use plans and regional arterial roadways. *NIPC: (312) 454-0400.*

In Kentucky ... Following a report from the governor's Agricultural Policy Task Force, a bill sponsored by Rep. Bill Lear would implement all of the task force recommendations, including establishment of a state farmland easement program, according to Craig Evans of the American Farmland Trust.

Evans, who served as consultant and facilitator for the task force, said funding for the proposed Purchase of Agricultural Conservation Easement or PACE program is the controversial part of the bill. The state farm bureau does not support state funding for PACE, but key legislators think it is necessary, Evans said. *Evans, (202) 659-5170.*

In Massachusetts ... HB 5108 passed the legislature and will authorize \$10 million in bonds for the Agricultural Restriction Program. "We've got some really good applications and can move on them now," said Assistant Commissioner of Food and Agriculture Rich Hubbard.

The governor's \$300 million bond bill that would provide \$30 million for the APR program has not yet been acted on. *Hubbard, (617) 727-3000, x150.*

In Virginia ... The Growth Strategies Act, which proposes the development of a state strategic plan, will be introduced to the legislature this month. The proposal requests funding for additional staff in the state's division of planning to help implement the Act, which includes a massive GIS data project. The bill was developed by the Commission on Population Growth & Development over the last few years. *Kat Imhoff, (804) 371-4949.*

In Florida ... Palm Beach County's proposed Purchase of Agricultural Easement (PACE) program has been voted forward but is mired in a "menu of funding opportunities," according to Craig Evans of the American Farmland Trust. One proposal would put a seven-year cap on the program and then increase the allowed density in the agricultural reserve areas from one dwelling per acre to two dwellings per acre. The proposal "moved forward, but also fell back," because of farmer/developer interests, according to Evans. *Evans, (202) 659-5170.*

Oregon, from preceding page

"It's kind of a mixed bag. We're very concerned about what will happen in central Oregon and in southern Oregon where the fruit industry has had problems with encroaching development. Now it will be worse," Batson said. *Contact: Mitch Rohse, (503) 373-0050; Blair Batson, (503) 223-4396.*

North Carolina

Fear of tobacco's future makes preservation difficult to promote

RALEIGH, N.C. — Before farmland preservation can become reality in some parts of North Carolina such as Wake County, local officials need to work hard to find viable alternative crops for tobacco farmers, according to Rick Bailey of the Wake County Soil and Water Conservation District.

Bailey is working to assure Wake County will be able to benefit under the Farms for the Future Act, which, when funded, would provide subsidies of up to \$10 million per year to North Carolina and other qualifying states with farmland preservation programs.

But saving farmland in Wake County, and elsewhere in the state, differs from northern-style efforts because of tobacco, Bailey said. Wake County farmers wonder what other crop they could grow if tobacco's profits get onto a slippery slope because of new federal taxes or price wars sparked by tobacco imports.

Unless corrected, this different kind of impermanence syndrome could assure the loss of farmland to development in places like Wake County over the next few decades, as farmers opt for houses over tobacco.

"There's really not another crop being vilified like tobacco. Farmers understand the problem, but there's no other choice out there," Bailey said. "The problem is just the uncertainty."

Some local elected officials wonder why tobacco farmers can't convert to another crop and don't understand it's not as easy as it sounds.

Bailey said years of research at the state department of agriculture on alternative crops and marketing has resulted in nothing viable. In Wake County, where the average farm size of 100 acres results from the profit margin of tobacco, crops like corn or soybeans that require a lot of acreage for adequate income won't work.

Wake County has been working toward managing growth between municipalities and establishing planning goals that will help protect land resources, but the quest for true farmland preservation always comes back to the tobacco problem, Bailey said.

Verner Grise, an agricultural economist at the U.S.D.A. Economic Research Service said that specialty vegetable crops are one alternative that has been studied. But while vegetable farming may be profitable one year, Grise said, it might not be the next. "There's just nothing else that generates the income comparable to to-

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North Carolina

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bacco," Grise said.

Ed Estes, a professor of agriculture and resource economics at North Carolina State University, has been working to develop more viable specialty vegetable crops. The focus of the project is "increasing the likelihood of having a crop to sell," each year, he said, for example, using irrigation and plastic to cover the soil. "There's no one crop, but there are a variety of things [tobacco farmers] could get into. You wouldn't want them to all convert to one or two things," he said. Estes said tobacco farmers would not necessarily need a lot of new equipment, but rather, marketing skills. "They would have to be a lot more proactive," he said. Another big difference would be in watching the crops develop and tending to special needs as they develop, not a daily task with tobacco.

Estes believes farmland loss is a problem only in a very few areas of the state, and that in general, tobacco is still king in North Carolina. To address the subject of alternatives to tobacco "would be misleading," he said. Wake County, Estes said, "has the highest tobacco quota still," of any county in the state. "It's still a very rural state ... farmland values outside urban areas are not trending up significantly. People believe [tobacco] will be around a while," he said.

But Will Denning, a planner in Cumberland County, which includes the city of Fayetteville, said in Cumberland County, too, the political uncertainties concerning tobacco farming have

farmers extra wary of any attempts to decrease development potential on their farms. Cumberland County is updating its comprehensive plan with efforts to protect the county's best farming region.

Denning believes that as long as farmers have no form of support to diversify or change their farming operations from tobacco to an equally profitable enterprise, houses may be the only sure-fire crop.

Contact: Rick Bailey, (919) 250-1056; Will Denning, (919) 678-7600; Ed Estes, (919) 515-4553; Verner Grise, (202) 219-0890.

resources ...

New Publications

• *Agricultural Nonpoint Source Pollution: Toward a Consensus Approach to its Abatement* American Farmland Trust. In October the AFT submitted this commentary to supplement testimony on Title III of S. 1114, the Water Pollution Prevention and Control Act of 1993.

The AFT urged cost-share funds to be concentrated in watersheds affecting urban communities, "where off-site costs of agricultural runoff tend to be greatest." The AFT suggested the formation of "reconciliation committees" "for resolving the inevitable disputes that will arise from efforts to reduce agricultural NPS pollution." The local committees would be composed of "local (tributary-level) farm and non-farm leaders ... empowered to resolve differences ... these could be modeled on the grievance committees established to resolve right-to-farm disputes in several states."

For a copy of the 28-page commentary, call Gary Kozel at (202) 659-5170.

• *The Cost of Community Services in Madison Village and Township, Lake County, Ohio* American Farmland Trust, Oct. 1993 Lake County Soil and Water Conservation District, 32 pp., \$5

This study, funded through multiple local and regional sources, parallels the findings of AFT's

previous studies in New York and New England. The study was conducted in rural Lake County, 30 miles east of Cleveland, and showed that the subject communities on average spent \$1.54 on public services, including education, fire and police protection and utilities, for every dollar raised by residential uses. For farm, forest and open land, however, the two communities spent only an average of 34 cents on services for each dollar generated, making 66 cents available for other purposes. For a copy of the study send \$5 to: AFT, Publications Dept., 1920 N St., N.W., Washington, D.C. 20036.

• Guidelines for State Level Sustainable Development

Center for Policy Alternatives and Environmental Resource Program
University of North Carolina, Chapel Hill
This new report provides a how-to guide for state policymakers interested in pursuing the goals of sustainable development, which link economic, environmental and equity issues into a comprehensive framework for public policy development. To order, send check for \$17 to Center for Policy Alternatives, Publications, 1875 Connecticut Ave., N.W., Suite 710, Washington, D.C. 20009.

Conferences

Feb. 3 - 4, San Francisco: "Putting Our Communities Back on Their Feet: Toward Better Land Use Planning," is a tri-state conference and exhibition produced by the Local Government Commission to address urban problems such as traffic, air quality, crime and the erosion of a sense of community. Focus will be on successful compact development and sustainable land use. Sponsored by 70 public agencies, businesses and professional associations throughout the west coast. Invited keynote speakers include Al Gore and Federico Pena. Call (916) 448-1198.

March 13 - 15, Washington, D.C.: *First Spring Conference of the National Coalition for Heritage Areas*. This coalition of about 100 organization members formed last year to support a National Park Service initiative to facilitate planning and creation of heritage areas at the local and regional levels, such as the Illinois and Michigan Canal National Historical Corridor, and the proposed 385-mile Potomac River National Heritage Area. The conference will examine how heritage areas should be initiated and by whom, how they should be funded, managed, interpreted, and promoted. For more information on the Coalition and the conference, call (202) 673-4204.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Lancaster threatens investigation

Pennsylvania program responds to call for conformance

YORK, PA. — Under threat of an auditor general's investigation pursued by the Lancaster County Commissioners, the Pennsylvania Department of Agriculture has agreed to conform fully to its own program regulations, and no longer encumber easement acquisition funds until all details of an easement agreement, including land survey work, are complete.

Speaking before the House Agriculture and Rural Affairs Committee in York, which was meeting Sept. 21 to discuss proposed changes to the farmland preservation program, state agriculture secretary Boyd Wolff said he hoped a legislative change would allow the department to revert to its former allocation practice of encumbering funds upon contractual agreement between a farmer and a county board.

Under the state's program rules, interpreted by the agriculture department's legal counsel after receiving a letter from Lancaster County, funds are not to be encumbered or committed for an applica-

tion until it has been reviewed and approved by the state farmland preservation board.

Lancaster County commissioners told Secretary Wolff in an Aug. 17 letter that they had obtained information suggesting there had been more than 100 applications for which funds had been committed by the bureau before the board had even seen them. As a result of the fund encumbrances, Lancaster claimed it had lost at least several hundred thousand dollars in reallocated funds.

"I am assuming there will be support to change the regulations," Wolff told the committee, and admitted the Bureau of Farmland Protection and the state board had been misinterpreting state regulations.

"We were interpreting the signing of the contract as the encumbering of the money. The state board felt that when the county signed with

please turn to page 2

More localities enacting agricultural buffer ordinances

Counties in California and Delaware have recently enacted or expect to enact ordinances that will require new residential development to provide buffers for adjacent farmland. Buffers vary in width and other features, but all share the objective of protecting farmers and farmland from the effects of suburbanization.

Delaware's Sussex County has made good on the state farmland preservation program's provision to require buffers between agricultural districts and new development and has even gone one step farther: the new ordinance will protect all farmland in the county, not just farms enrolled in the farmland preservation program.

Sussex, southernmost of this small state's three counties, passed two ordinances that will protect farms from new homes being placed any closer than 50 feet to their boundaries, and will

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Pa. program accused of penalizing Lancaster County Board

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a farmer that that was the proper time," Wolff told the committee. Wolff said land survey work and other requirements to make easement contracts legally complete had routinely been carried over although funds had already been committed.

Tom Daniels, executive director for the Lancaster County Agricultural Preserve Board, which initiated the call for compliance, told the committee that the state board and the bureau had been working in a "catch us if you can mode," encumbering funds for counties that had questionable commitment to farmland preservation, and "penalizing Lancaster County for being successful." Lancaster County had been hurt by the practices of the bureau, he said, losing "several hundreds of thousands of dollars and maybe as much as one million dollars" while money had been encumbered for counties with applications that were not legally complete. "There's no question they knew they were taking money from Lancaster County," Daniels said.

Wolff's testimony was "an admission of wrong doing. They got caught red-handed, pure and simple," Daniels said.

Daniels further claimed the state board's decisionmaking was politically motivated, desiring to spread the program's funding to more counties rather than to counties that were ready to use the funds.

The Lancaster County Commissioners' letter to Wolff accused the State Agricultural Land Preservation Board and the Bureau of Farmland Protection of violating their own regulations in "calculating the amount of reallocated funds due each county on the basis of incomplete easement applications that the State Board has not even seen, much less approved." The board, under law, is charged with notifying county boards of incomplete applications. "This is not being done," the letter said.

The letter called on Wolff to ensure the board would "cease and desist" such allocation practices immediately or risk an auditor general's investigation and lawsuit.

The effect of Wolff's affirmative response is that counties that have grown accustomed to time allowances for survey and other details that render an easement application legally complete, now must rush to complete applications under a new deadline of Nov. 12 or risk losing money that was

Pennsylvania program at a glance

- Created in 1987 by a \$100 million bond referendum
- First easement purchased in 1989
- Number of farms preserved: 328
- Number of acres: 41,148 acres in perpetuity
- Number of counties having purchased easements: 25 of 66
- Farmland loss: In the 1980's, an average of 90,000 acres lost each year.
- Ranks 2nd in nation for number of acres preserved, following Maryland, which has preserved over 100,000 acres since 1977.
- To date \$73.9 million of state funds and \$14.3 million of county funds have been committed to easement purchase.
- Use value: The Clean & Green Act of 1974 reduces property taxes on farmland with average per acre reduction at 50 percent.
- Ag security areas: About 2.5 million acres are protected from local ordinances affecting farming activities.

previously assured.

York County could lose as much as \$2 million in easement allocations, according to Rep. Bruce Smith, because survey work, its number of applicants and the program's sole employee's maternity leave will make completion unlikely.

Smith is sponsor of HB 1707, which will require that counties have state approved programs to be eligible for grants (see accompanying story).

"I'm afraid Lancaster County's greed will get it into trouble," Smith said, and claimed that Lancaster County was "bragging that they may pick up two million in additional funding," because of compliance. "We run the risk of doing damage to the program. I hope that changes in procedures and deadlines can accomodate the counties," Smith said, but he could not say whether changes were more likely to come through legislative or administrative channels.

Daniels told the committee Lancaster only wanted what was due to its program. "All we're asking is for the state board to run the program appropriately, fairly and cleanly," he said.

Daniels told the committee he felt the political make-up of the state board was flawed and suggested members be appointed by the state's top agricultural counties' land preservation boards.

Daniels also told the committee that the state staff "does not have formal training or field experi-

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Pa. program, from previous page

ence with conservation easements, tax, or real estate matters." Daniels urged that a review appraiser be hired.

But the committee, some members of which serve on the state board, were more interested in criticizing Daniels' comments regarding that board, attacking his claim that the board acts with political bias. Committee Chairman William Lloyd said he did not believe the department or the state board had willfully violated the regulations, and told Daniels that "the suggestion of a cover-up rises almost to the level of impugning these people's characters."

Clearly taking sides with the department of agriculture, Lloyd told Secretary Wolff not to assume that he "can't do anything else" to achieve compliance. Lloyd advised Wolff to "talk to the general counsel's office to see if it is not possible to give out money [other than] how Lancaster County wants ... those counties that relied on an erroneous interpretation by the department have rights as well, and we could see other legal action," Lloyd said.

Counties with part-time staff and limited professional services are most at risk under the new deadline. Union County, according to Ted Ratalack, who works part-time in administering the program, testified before the committee that the county could "be out of the PDR program for '93 and '94."

Some county administrators said in interviews they agree with Lancaster County's position, but that the timing was unfortunate.

"They are correct, except it took us by surprise a little late in the year," Rich Harvey of Bucks County said of the Lancaster move. Harvey said he is hoping to meet the new deadline and is waiting for two land surveys to be completed. While he supports Lancaster County's pursuit of regulatory conformance, Harvey also supports changing the rules to allow funds to be allocated at the time of farmer/county agreement, rather than state board approval, he said.

Ellen Dayhoff of Adams County said she agrees in principle with the move for conformance, but "the timing is bad, that's the only problem. The state has been trying to be nice guys to the counties, but now it's going to come back to haunt them. I feel so bad for the counties that are going to be hurt

Legislation would change Pa. program allocation rules

HARRISBURG, PA.— A bill that could encourage Pennsylvania counties to commit more time and money to farmland preservation is receiving testimony and could go before the legislature in its upcoming session.

House Bill 1707 would amend the Agricultural Area Security Law of 1981 by requiring that counties establish easement purchase programs and have them approved by the State Agricultural Land Preservation Board before becoming eligible for funding.

Presently, program funds are allocated annually to all 66 Pennsylvania counties, but only 34 counties have established programs. Of those, 25 have purchased easements. Each year, the unspent funds revert to the state, but meanwhile, counties that have use for the funds "lose one year of time until the money reaches them," through reallocations, said Rep. Bruce Smith, sponsor of the bill.

Testifying before the House Agriculture and Rural Affairs committee, Smith said program funds were being spent inefficiently, and that his bill would guarantee that money allocated for the program "reaches counties which are prepared to utilize the funds ... the effect of this bill would be to speed up the allocation of funds to eligible counties by eliminating the necessity of funding counties which are not prepared to use the money."

In addition, the bill would allow easement landowners to build a principal residence on the property. Currently, construction and use of homes on easement parcels are allowed only for seasonal or full-time employees.

County program administrators have long been concerned that grant funds were being allocated to counties that did not have approved programs, and that the funds were being reallocated too slowly to counties that had applications waiting. The present bill is a result of a fall 1992 meeting of administrators.

State Agriculture Secretary Boyd Wolff, while testifying that the department supports HB 1707, at the same time said the allocation formula "has worked fairly well and does not need to be adjusted."

Wolff further told the committee the state should begin looking at alternative sources of funding for the program, saying he feared expectations from a recently passed cigarette tax, of which two cents is earmarked for farmland preservation, "may not live up to reality," if Pennsylvanians give up smoking and if new federal cigarette taxes cause a further decrease in sales.

Wolff said the state board would soon make recommendations on alternative funding.

Pennsylvania program in upheaval at state, local level

continued from page 3

by this," she said. Adams County has completed applications for five farms to add to its program this year she said.

Administrators who fear losing funds blame Lancaster County for the difficulties they now face in meeting the new deadline.

"We're very, very disappointed that half way through the year the rules change," said Bernie Riley of Berks County. "It's a real bad situation for the entire program. We're trying to remain optimistic but so much is out of the control of the county," he said, referring to the state's role in processing the applications after Nov. 12.

Riley is moving to "take every minute we can to complete projects," working overtime, he said, with the idea of meeting the deadline, although "there's a potential for loss" of funds.

Land survey work that now must be done before sending applications to the state could be a problem for Montgomery County, which doesn't yet know which of its nine properties will need survey work.

"Usually we wait until we're finalized before we check on which ones need surveys. Now with the new deadline it pulls the rug out from under us," said Mary Ann Cover. The county could lose some funds, she said. The nine farms comprise 778 acres, she said.

While its call for conformance comes late in the year, the timing was out of Lancaster County's control, according to Daniels, who said his office did not learn of some of the details it needed until late June. After obtaining legal counsel, its letter to Secretary Wolff was dated Aug. 17, with Wolff responding Sept. 9.

In an interview, Daniels said it is unlikely Lancaster would settle for conformance beginning in 1994 instead of this year. "We were penalized for two years because of the violations. That in effect gave the [other] counties more time to get their programs up and running by '93."

Daniels added that Lancaster only requested applications be complete by the end of the year.

Contact: Tom Daniels, (717) 299-8355; Bureau of Farmland Protection, (717) 783-3167.

etcetera ...

Richmond to leave 1000 Friends; will form national land use research institute

Portland, Or. — Henry Richmond, founder and executive director of 1000 Friends of Oregon, the nation's most successful advocacy group for land use planning and growth management, will leave his position after 19 years, effective Nov. 1. Richmond will form a national land use research and public education institute.

The idea of a national institute was initiated last spring by a steering committee made up of the leading members of the National Growth Management Leadership Project (NGMLP), which Richmond founded in 1989 to build consensus on how to establish a national land use agenda.

To be called the Metropolitan and Rural Land Institute, the new organization will have program areas in research and policy analysis, program services and public education, according to Saunders Hillyer, director of the NGMLP and coordinator for the Institute.

"We have a work program for launching [the Institute]," Hillyer said. "We're taxiing down the runway now, and should be airborne at the end of the year." The NGMLP "will oversee creation of a multi-interest steering committee which will sponsor the Institute," Hillyer said. Incorporation as a 501 C3 nonprofit organization will occur in five to nine months, he said.

Presently supported by the NGMLP, the Institute is seeking foundation funding.

Part of the Institute's purpose, according to Kevin Kasowski, of 1000 Friends, is to build a partnership between conservation, development and social justice interest groups.

Writing in the NGMLP's Sept. 1992 newsletter, Richmond wrote that social justice groups and environmentalists had common goals "of suburban and urban investment... environmentalists and urban poor share a common problem — inadequate development patterns..." Richmond described the land use problem in America as "development not happening where it should, and development happening where it shouldn't."

"If these two powerful but unconnected forces of change — social justice and environmental protection — could join to support community-based land use policy reforms as the foundation of a program of urban reinvestment, the unique moral claims of these groups could redirect American history," Richmond wrote.

Richmond could not be reached for comment. Contact: Kevin Kasowski, (503) 497-1000.

Study shows effect of development on property tax bills

SALISBURY, VT. — A study to be released in about a month by the Northern Forest Lands Council will provide conservationists with more evidence that New England localities dependent on property taxes have nothing to fear in the way of a revenue void from lands in conservation programs.

The study provides what could be the strongest data yet compiled showing the effects of development — both residential and industrial — on local property tax bills, and thus the effects of conserving forest lands.

Focusing on the Northern Forest states (New York, Vermont, New Hampshire and Maine) survey results show that growth in population and in tax base result in higher, not lower, tax bills on the median-value home. In addition, in Vermont and New Hampshire, where commercial and industrial property values are available by town, the tax bill on the median-value house was higher, not lower, in towns that had more commercial/industrial property value.

"This does not mean that towns will be better off preserving forest land," the study states. "It simply shows that the common perception that growth will lower taxes is not always true," the study said.

Local governments rely on the property tax to fund education and services, even more so in Maine, New Hampshire and Vermont, where municipalities are not allowed to levy a local income or corporate income tax or sales tax.

In addition to these constraints, in New Hampshire and Vermont the percentage of local revenues coming from state and federal government is lower than the national average. In New Hampshire, the federal/state proportion of local revenues is lower than in any other state in the nation.

Therefore, localities in New Hampshire and Vermont have long questioned the practice of conserving farm and forest lands that could be contributing more to the tax base if available for development.

The study examined the relationship between tax bills and developed land, reviewing studies of the American Farmland Trust and the Cornell Cooperative Extension of Dutchess County. Those studies looked at the taxes paid on different land types compared to the costs of servicing the land uses. Those studies showed, in general, that only

Tax bills higher in towns with more commercial and industrial land uses

"In the long term, current use programs, if successful, encourage the preservation of forest land and discourage conversion and development ... activities which swell the tax base. It is often believed that, because development increases the tax base, property taxes will drop. For this reason, forest land preservation efforts have been connected with higher tax bills. However, the actual relationship between taxes and development shows that the opposite is true: in each of the Northern Forest states, the more population growth, the higher the tax bill on the median-value house. In the two states in which commercial and industrial property values are available by town, (Vermont and New Hampshire), the tax bill on the median-value house was higher, rather than lower, in towns which had more commercial/industrial value."

— Draft report: NFLC Forest Taxation Project.
"Forest Land, Current Use, and Local Property Taxes." by
Ad Hoc Associates.

about one third of the taxes paid on open land were actually used to service it.

"These studies have been criticized because they are based on a great number of assumptions, some of which may be inaccurate," the study said. "However, few people dispute the basic pattern which is shown: open land pays more in taxes than it costs the town to service. Residences, in contrast, pay less in taxes than they cost the town to service. The general conclusion from these specific cases seem to be supported by a look at the relationship between population and tax bills in the Northern Forest States," the study said, providing graphs showing tax bills on median-value houses by population in quintiles for each state.

The study said that while commercial and industrial development generally pay more in taxes than they cost in services provided by towns or counties, the actual result of such development is that tax bills on median value homes, in towns with the most commercial and industrial development,

Ag buffer laws confront little opposition

continued from page 1

also require that major subdivisions provide a 30-foot wide forested buffer designed by a state forester, according to County Councilman George J. Collins, who sponsored the measures. Collins said he worked closely with the farm bureau and grange before introducing the ordinances, and that passage went smoothly.

"I had no problems ... some developers and realtors questioned it, but no one really opposed it," Collins said. The new restrictions will help prevent conflicts for area agriculture, which includes chicken operations and nighttime farming, he said.

In addition, following state farmland preservation guidelines, deeds for new homes built within 300 feet of a farm enrolled in the state program will contain restrictions clauses, acknowledging adjacent agricultural uses.

The buffer provisions show that Sussex County is under intense development pressure, according to Stuart McKenzie of the Delaware Agricultural Land Preservation Foundation. The county would not ordinarily support such restrictive measures, he said.

Because the buffer provision in the state program is new, "no one knows how it will pan out," McKenzie said. "We can't go out and monitor every subdivision to see if it complies ... we need to have workshops to inform developers as to how to enhance their developments through buffers," he said.

Neighboring Kent County requires a 50-foot buffer for new subdivisions adjacent to actively farmed parcels, but includes no enforcement provision, according to McKenzie.

In California, a number of urban-fringe counties have enacted buffer laws. In 1991, Stanislaus County strengthened an existing right-to-farm ordinance by requiring disclosure to home buyers in farming areas that they will be subject to the effects of commercial agriculture.

Then last year, supervisors enacted a buffer ordinance that will require buffer negotiation between a developer and farmer as a condition of approval, according to Leslie Hopper of the county department of planning.

"The specifics will be determined on a case-by-case basis ... it was quite an issue," Hopper said. "They decided it depended on the uses and topography involved. It's up to the project applicant and the farmer to hammer out the specifics, then it is written into the conditions of approval," she said. It was clear during the process of developing the law that a case-by-case approach was the most appropriate, Hopper said.

In addition to a buffer, the planning department will also be determining required setbacks for new home sites. The ordinance mentions a 100-foot setback as an example.

Guidelines in the Stanislaus County ordinance call for buffers to be "physically and biologically designed to avoid conflicts," and to "protect the maximum amount of farmable land." Generally, the buffers are to consist of a physical separation with an appropriate width to be determined on a "site-by-site basis taking into account the

legislative and program briefs ...

In California ... AB 724, which will require localities to define compatible uses for land enrolled under the **Williamson Act**, was awaiting the governor's signature at press time. The bill has been opposed by cattle and dairy interests desiring to protect development rights and the ability to relinquish agricultural preserves under the act. Under the **Williamson Act**, compatibility calls for protecting farms from adjacent land uses that aggravate farming or result in development. The bill is expected to be signed. **SB 850**, which will create a model **LESA** system, has been signed into law.

Re: growth management "political gridlock continues over the content of statewide growth management policies, the use of urban limit lines, and the role of state government," reports a memo from the local government committee. "After five years of debating statewide growth management, the issues are well defined. But passing a successful bill in 1994 will require intense negotiations and strong political leadership."

..... A lawsuit filed by the Ca. Farm Bureau Federation against Tuolumne County alleging **Williamson Act** violations is proceeding with a settlement conference Oct. 15 and a trial set for Feb. 1. A second suit filed by the farm bureau against Merced County for approving a general plan amendment that would jeopardize agricultural areas has resulted in the county withdrawing the plan, according to farm bureau attorney Carolyn Richardson.

In Maryland ... Harford County's installment purchase program, funded locally by a one percent real estate transfer tax approved by voters last fall, has begun ranking 51 applications backed by \$2.1 million in expected first-year revenues to the program The Maryland Department of Agriculture reports that the state lost 600 farms in 1993, putting the total number of farms in the state at 15,000 the Maryland Agricultural Land Preservation Foundation has proposed amendments to its program guidelines to clarify its policy on one- to two- acre lot exclusions from district and easement properties. The amendments would allow **lot exclusions** for personal or family use only on parcels of 20 acres or more, or, on parcels of less than 20 acres but at least six acres that have no present dwellings, landowners may petition for a lot exclusion for personal or family use. "They're trying to make sure the intended use is not abused ... I think it's a good idea," said Jeremy Criss, program administrator for Montgomery County. The proposal has been referred to the

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Joint Subcommittee on Program Open Space and Agricultural Land Preservation During **Queen Anne County's** upcoming comprehensive plan update, countywide TDR will be explored, according to program administrator Chris Dameron.

In Pennsylvania ... The state Department of Agriculture has bowed to the Lancaster County Commissioners demand for full conformance with state program rules on easement approval and commitment of funds (see story, page 1). However, legislative changes may be sought to change program rules to allow continuance of past practices ... Proposed changes to the state program's allocation formula is receiving public testimony (see story this issue). Changes would stop allocations to counties that have not yet established an easement program. Only about half of the state's 66 counties have programs but all currently receive funding for easement purchase. Unspent funds revert to the program but reversion takes one year Hearings are taking place on several bills now pending in the Senate that deal with ways to encourage the cleanup and reuse of commercial and industrial property. It is believed such legislation may help save farmland from conversion if companies take advantage of incentives to use abandoned sites.

In Washington ... The state's **Growth Management Act** has allowed counties more time to comply and has given the governor more sanction authority. Two more counties have begun to plan under the Act, according to Mike McCormick, assistant director of the Growth Management Division of the state Department of Community Development.

McCormick, a 25-year department veteran, said he will be leaving his position at the end of the year. "The last three years with growth management have been some of the most challenging and rewarding I have experienced," he said. "I will be taking advantage of early retirement but would like to stay involved and help make growth management work."

In Delaware ... Advocates of state planning say they are disappointed in a task force report that contained no recommendations on state planning despite recent commission findings that indicate a need for it The Delaware program, now one year old, is celebrating its 10,000-acre milestone for agricultural districts. The number is closer to 13,000 now, according to Stuart McKenzie, who said The Nature Conservancy's enrollment of 2,000 acres helped put the program at that point. **The Nature Conservancy** tract includes tidal marshes, 400 acres of leased farmland and 800 acres of forests. The tract has created opportunities for many adjacent landowners to join the district, McKenzie said.

"This is an opportunity to show conservation groups they should be supportive of farmland and farming," McKenzie said.

Buffers, from preceding page

type of existing agricultural uses, the nature of the proposed development, the natural features of the site and any other factors that affect the specific situation."

The county set a broad range of uses for buffer areas, including open space and recreational uses including golf courses, "industrial uses" and cemeteries.

"Urbanization and the proliferation of rural residences throughout the county has led to increased conflicts over agricultural operations ... by separating incompatible uses, a buffer minimizes the impacts of development on surrounding agricultural operations and decreases the likelihood of conflict," the ordinance states.

Pending in Sacramento County's newly updated agriculture element, which will be voted on this month, is a requirement to develop and implement guidelines for the design of buffers and procedures for evaluating site-specific buffer proposals.

Buffers are to be 300 to 500 feet wide, including any roadways, with narrower buffers allowed depending on natural features, intensities of the proposed urban use as well as the existing agricultural use. Buffers are required to be fenced on the urban side and posted against trespass.

No opposition has risen against the buffer proposal, according to Peter Morse of the county planning department. The development community hasn't opposed it, and farmers support it, he said. "It hasn't been much of an issue."

Even the width, which is likely the widest prescribed agricultural buffer in the nation, has been accepted as appropriate by the agricultural community, Morse said. Agricultural activities in the county include aerial spraying, he said, and dusty conditions are frequent.

An ordinance in San Luis Obispo County allows its agricultural commissioner to impose buffers for residential subdivisions occurring on land zoned for either residential or agricultural use. The commissioner has been recommending buffers on a case-by-case basis since 1985.

Buffer laws elsewhere in the nation include a law in Maine that provides for a 100-foot buffer from the edge of actively farmed land for parcels enrolled under the state's farm and open space tax law.

In Connecticut, the Town of Suffield requires developers to provide buffers of between 30 and 100 feet depending on type of farm operation, topography and buffer design. Lot owners are responsible for maintenance.

States with farmland easement programs have not pursued buffer provisions, most likely because of the complexities of local government implementation, according to Don Applegate, executive director of the New Jersey program. When the New Jersey program was being developed, he said, "we didn't feel we could adequately legislate a prescribed buffer." *Contacts: Peter Morse, (916) 440-6141; Leslie Hopper, (209) 525-6330; Stuart McKenzie, (302) 739-4811; George Collins, (302) 875-3091.*

Industrial growth fosters residential growth, higher taxes, study says

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tial growth follows commercial/industrial growth. Where jobs are created in excess of the needs of the local population, people will move to fill those jobs," meaning more residential growth, a costly result for the locality, the study said.

The study, produced by consultants for the Northern Forest Lands Council, with the tax study performed by Ad Hoc Associates of Salisbury, Vt., tempers its analysis by stating that tax bills do not direct planning. "Both forest land and development have other benefits and costs — economic, social, environmental — which play a more important role in the future of the community ... the property tax should not be the only reason for a town to grow nor should it be the only reason for a town not to grow."

The study as a whole broadens its focus to the environmental, social and economic consequences of current use programs in the Northern Forest states.

The Northern Forest Lands Council is a 17-member advisory non-profit organization with four members from each of the four states appointed by their respective governors, and one member from the U.S. Forest Service.

The Council, now entering its fourth and final year of work, was created to reflect an agreement by the four states to participate in the Northern Forest Lands Study, commissioned by Congress in 1988. The Council will make recommendations to Congress on ways to

influence future land use within the Northern Forest region.

Read More: For a report on availability of the study, or to receive the Council's newsletter and a copy of its future recommendations, call the Council at (603) 224-6590. Also available: A report summary for the Northern Forest Lands Study.

Correction

In an article that referred to personnel changes at the American Farmland Trust in our last issue, James D. Riggle's degree program at George Mason University was incorrect. He is working on a Ph.D. in public policy.

Clarification

Karen Kress, AFT's former development director, voluntarily resigned from the organization.

resources ...

Publications

• *Livable Places Update* is a bi-monthly (six issues per year) newsletter on resource efficient community planning and design, covering mixed-use development, transit-based housing, safer, more walkable neighborhood design, community participation strategies and networking contacts in California and nationwide. The newsletter is published by California's Local Government Commission. Subscription is \$18 per year. Send check payable to the Commission at 909 12th St., Suite 205, Sacramento, CA 95814.

• "Enhancing America's Communities: A Nationwide Survey of the Transportation Enhancements Provisions of ISTEA", published by the Rails-to-Trails Conservancy is available in full report form (190 pages at \$33.45) or an executive summary (30 pages at \$16.45). Some states have moved aggressively for enhancements funds, while other states are slow to take advantage of this special funding category, the report says. To order, send check to RTC, 1400 16th St. NE #300, Washington, D.C. 20036.

At Your Bookstore

• *Can You Trust a Tomato in January? Everything You Wanted to Know (and a Few Things You Didn't) About Food in the Grocery Store*

By Vince Staten

239 pp. New York: Simon & Schuster. \$19

Why is the produce department the first you come to when you enter the store? Why do you have to traverse the entire floor area to obtain the essential staple foods you need? Learn all about the foods and processed food products you grew up on (and maybe still consume) and exactly what they go through before coming to you.

• The Road to My Farm

By Nora Janssen Seton

225 pp. New York: Viking. \$21.

A graduate in art history and classics from Harvard who continued on to Texas A & M for a degree in agriculture tells of her experiences and visions for running a family farm — if she had one of her own. Seton worked on farms and helped run a ranch in Wyoming, and worked in corporate agribusiness. In this narrative she ponders such questions as, will her farm be organic? What are the advantages of livestock opposed to crop farming? She also considers some consumer queries, such as the difference (there is none) between a white and brown egg.

Conferences

Oct. 23, Mount Holly, N.J.: Annual New Jersey Environmental Congress. Theme: "New Jersey in Balance: City, Suburb, Country." Contact The Association of New Jersey Environmental Commissions (ANJEC) at (201) 539-7547.

Oct. 30, Research Triangle Park, N.C.: "Quality Growth: Planning the Development of North Carolina and Its Communities" keynote address by architect Harvey Gantt, who will address the need for state, regional and local planning.

Other speakers: Randall Arendt, Dana Beach, Tom Daniels. Topics addressed by panelists include compact cities, preserving rural character, farmland protection, transportation planning and programs tailored to North Carolina. Registration fee \$25. Contact North Carolina Sierra Club at (919) 966-4032 to register. Conference director is Randy Schenck, Sierra Club Growth Mgt. Chair.

Feb. 3 - 4, San Francisco: "Putting Our Communities Back on Their Feet: Toward Better Land Use Planning," is a tri-state conference and exhibition produced by the Local Government Commission to address urban problems such as traffic, air quality, crime and the erosion of a sense of community.

Focus will be on successful compact development and sustainable land use. Sponsored by 70 public agencies, businesses and professional associations throughout the west coast. Invited keynote speakers include Al Gore and Federico Pena. Call (916) 448-1198.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

AFT calls for national agriculture reserves, new ag policies

WASHINGTON, D.C. — The American Farmland Trust announced July 14 the completion of a study on farmland loss in the urban fringe and called for federal, state and local action to curb the continual expansion of suburban America into farming areas, and named what it considers the nation's 12 most endangered farming regions.

AFT President Ralph Grossi told reporters at the National Press Club that the nation needs a framework for a coordinated effort to protect farmland, to include the designation by the U.S. Department of Agriculture of "strategic agriculture reserves" and coordinated efforts by state and local governments to direct growth to already developed areas.

The group named 12 regions, mostly in coastal states, (see page 3 for listing) where highly productive farmland is being eaten away in a continuous onslaught of development.

Grossi said state and local programs to protect farmland are saving it only in a piecemeal fashion, and that federal policy and programs are needed to reinforce such efforts.

He called on the Department of Agriculture to

take the lead in designating strategic agriculture reserves, important farmland areas most threatened by urban growth. Coordinated efforts between federal, state and local government, he said, "should be concentrated, first, on preventing urban sprawl, and second, on encouraging farmers to commit their land to long-term, productive agricultural use."

Grossi said state governments "must step up their efforts to protect farmland," by adopting policies giving priority to the protection of strategic farmland. "It is amazing how many states have not taken this fundamental step," he said. Infrastructure decisions should be reviewed to avoid sprawl, he said, and planning assistance should be provided to localities. He also called on states to establish and adequately fund conservation easement programs.

Grossi called for an integration of farmland protection policy with existing agricultural programs, and indicated that soil conservation programs without farmland protection were a

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New study cites political leadership essential for ag zoning

PHILADELPHIA, PA — Although municipalities in York County, Pa., have allowed few rezonings to occur under agricultural zoning, the jury remains out on whether agricultural zoning over time will effectively preserve agriculture or farmland, according to a new study released by the University of Pennsylvania, Department of City and Regional Planning.

The study, conducted by Robert E. Coughlin, explored the reasons behind the success of 15 York County municipalities in enacting and implementing agricultural zoning during the high-growth 1970s and 80s, and how well the zoning has worked to protect farmland. The most essential ingredient

to successful ag zoning was no surprise: political will and leadership.

Coughlin said it is too early to tell whether agricultural zoning will adequately preserve

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AFT calls for shifting of subsidies, designation of ag reserves

continued from page 1

contradiction. "Our soil conservation efforts will be wasted as long as we allow the soil on our best land to be covered with concrete," he said.

Richard Rominger, deputy secretary of agriculture and a former member of the AFT board of directors, told the *Los Angeles Times* the AFT was "providing a great service in pointing out these threats. This is one of the areas that the USDA needs to pay more attention to, and something that this administration should pay more attention to."

Three billion was spent last year alone on soil conservation, but only about \$700,000 was spent in the past two years on farmland protection, Grossi said.

Enforcement of the Farmland Protection Policy Act (FPPA) and adequate funding for the Farms for the Future Act are key, Grossi said. Grossi also called for creation of "green incentives" to help urban region farmers comply with environmental regulations.

The AFT has been calling for a shifting of subsidies from commodity to conservation programs, and an elimination of subsidies to development in conflict with local planning. The group is now calling for elimination of subsidies to development in strategic agriculture reserves once designated.

AFT Director of Public Policy Ed Thompson said in an interview that the organization's aim is to make farmland protection policy as established as environmental protections that after just two decades are taken for granted, such as not building roads through endangered species habitat.

Grossi said farmers should

Farming on the Edge ~ Fast Facts

	Urban-Influenced Counties#	Top 12 Areas*
Number of Counties	1549	157
Percent of U.S. Counties	50%	5%
Percentage of U.S. Land in Farms (1987)	33%	5%
Total Agricultural Production (1987)	\$77 billion	\$23 billion
Percentage of U.S. Agri. Production	56%	17%
Percentage of Domestic Fruit Prod.	87%	67%
Percentage of Domestic Vegetable Prod.	86%	55%
Percentage of Dairy Products	79%	24%
Production Per Acre of Farmland vs. Rest of U.S.	2.7	5.6
Percentage of U.S. Population (1990)	90%	21%
Population Growth Rate (1980-1990)	11%	21%
Growth Rate vs. U.S. Non-Urban Influenced Counties	6.6	10.5

Metropolitan Statistical Areas plus adjacent counties with population density of at least 25 people per square mile.

* Includes some contiguous Non Urban-Influenced Counties

Sources: U.S. Census of Agriculture (1987); U.S. Population Census (1980, 1990) in AFT table

support actions that protect their industry "for the long haul."

But farmers will likely disagree with a proposal that may decrease subsidies they have come to depend on, according to Allen Richard of the National Farmers Union.

"We have a problem with that, because you're taking money right out of the farmer's pocket... However, if there were a complete revamping of the farm bill, a complete realignment that would make it possible to maintain and increase farm income, we would probably not object. The key is to maintain a level of income," Richard said.

Although the NFU does not have a specific policy on farmland protection, Richard said, "our general philosophy would probably go along with having the USDA and other agencies look into that and protect farmland in urbanizing areas," he said.

The designation of agriculture reserves may cause fear among the many farmers who don't trust the federal government, according to Jim Porterfield of the American Federation of Farm Bureaus.

"It feels like there's more federal land use planning in [the AFT's] proposal. That always worries us ... it depends on how it's done. Once you're designated, such as in the National Historic Landmarks program, you never know what's going to be the next move from the federal government. If that designation ends up reducing property value or use of property, at a minimum [landowners] ought to be compensated for that, but that isn't in the cards," Porterfield said. □

Top 12 most threatened U.S. agricultural regions named by AFT

Endangered Region	Land in Farms		
	1978	1987	Decrease
1. California Central Valley	13,081,816	12,465,998	615,818
2. South Florida	5,946,698	5,330,251	616,447
3. California Coast	6,747,216	6,362,362	384,854
4. Mid-Atlantic Coast/Chesapeake	3,864,856	3,563,771	301,085
5. North Carolina Piedmont	1,702,580	1,443,338	259,242
6. Puget Sound Basin	434,261	414,741	19,520
7. Chicago-Milwaukee-Madison	5,491,524	5,183,712	307,812
8. Willamette Valley	1,240,072	1,182,765	57,307
9. Twin Cities Metro Area	4,257,261	3,898,575	358,686
10. Western Michigan	1,575,012	1,498,160	76,852
11. Shenandoah/Cumberland Valley	1,537,373	1,477,622	59,751
12. Hudson/Champlain Valleys	1,925,965	1,697,427	228,538
All 12 Areas	47,804,634	44,518,722	3,285,912
United States	1,009,452,293	960,259,255	49,193,038

AFT study: method, findings

Threatened regions provide over one-sixth of ag production

The American Farmland Trust study focused on "urban-influenced" counties, that is, counties within Metropolitan Statistical Areas designated by the Office of Management & Budget and also counties adjacent that have a population of at least 25 people per square mile, the minimum density for a county to be considered urban by OMB.

Using statistics on agricultural production and urban growth, the study found that 56 percent of the nation's total agricultural product sales, including more than 86 percent of domestic fruits and vegetables, and almost 80 percent of dairy products, are produced in urban fringe counties.

AFT midwest office closed - story page 4

The study produced a four-color map depicting counties nationwide most threatened by urban growth, using red to depict counties with a high rate of growth as well as agricultural production above the national average. [Maps are available from the AFT, see below]. Counties with high growth and agriculture above average for its state, but not the nation, are depicted in orange. All other urban-influenced counties are colored green. Counties in green can be high growth counties and meet one of the two tests the study used for determining higher agricultural value, but must have met both these tests to be colored orange. Some counties in green have had lower rates of growth that have been localized but are vulnerable to

higher growth rates.

Higher agricultural value was defined as being above average in both the total dollar value of farm products and the production per acre of farmland. Production per acre was included so counties could not qualify because of their geographic size. "We also believe per acre output reflects the presence of prime and unique farmland, and of relatively high investment in agricultural production, characteristics that are difficult or impossible to replace," said AFT Director of Public Policy Ed Thompson.

High growth was defined as being above average between 1980 and 1990. The growth rate of counties depicted on the map as red or orange averaged more than 18 percent, greater than four times the average of all U.S. counties.

Ninety percent of the U.S. population lives in these 1,549 counties, of which 157 are ranked in the study as within the top 12 most threatened areas. AFT combined statistical data with opinions of the organization's field staff to identify its "Top 12" list. To qualify for the Top 12, a region had to have a high percentage of "Condition Red" counties. Other counties having similar agricultural characteristics were then included to make contiguous areas. The areas were then ranked giving equal weight to five factors: total agricultural output; productivity per acre of farmland; production of specialty crops (fruits and vegetables); population growth rate; and, decline of

please continue to page 4

Called a consolidation**AFT closes midwest office, cuts top-level national, field staff**

WASHINGTON, D.C. — In a move to cut its operational costs, the American Farmland Trust closed its Chicago midwest regional office in July, an action coinciding with its release of a study that named the Chicago region the nation's seventh most threatened by development.

The closing resulted in the layoff of three full-time employees, according to former director Jean Coleman, now a partner with Bico Associates, a planning consulting group.

AFT spokesman Gary Kozel said the projects of the midwest office will be carried on by the AFT Center for Agriculture in the Environment, established last year in DeKalb. Northeastern Regional Office Director Bob Wagner and AFT Executive Vice President for Administration Davis Cherington will also assist, he said. Cherington joined AFT in the newly created position last May.

"Everything that has been going on, will be moving forward," Kozel said. "Essentially, this is a consolidation move and nothing more than that. We see it as a more efficient use of internal resources."

Coleman, however, said she doubts whether personnel who already have full-time jobs will be able to carry on the work that was performed by

the midwest office. The closing came at a time when land use assistance and farmland protection information needs, particularly in northeastern Illinois, were at their most intense, she said.

Coleman said it was ironic the closing coincided with release of AFT's study that pointed to the Chicago region as possessing some of the nation's most productive farmland, which has been diminished over the last 10-year reporting period by 308,000 acres.

"The organization appears to be shifting from a regional to a national focus," she said.

The AFT has made other significant personnel cutbacks and changes over the past year. Most notably, James D. Riggle, director of field operations since 1983, was let go in January. Riggle was instrumental in establishing and implementing AFT's local land use assistance efforts and was known nationally for an extensive knowledge of farmland preservation techniques used at the local and state levels. Riggle, who began his career in farmland protection at the Illinois Department of Agriculture, is currently working on a doctorate in public administration at George Mason University in Fairfax, Va.

please continue to next page

Study to help broaden constituency, promote farmland issue

continued from page 3

farmland.

These counties produce, the study showed, 47 percent of breads and cereals; 45 percent of meat and poultry; 79 percent of dairy products; 86 percent of vegetables; and, 87 percent of fruits and nuts.

Collectively, the Top12 regions contain five percent of the nation's farmland, but account for 17 percent, more than one-sixth, of its agricultural production. The 157 counties in the 12 regions contain 20 percent of the U.S. population but 40 percent of its growth, increasing in population at more than twice the national average during the 1980s.

The study indicates, Thompson said, that first, "a surprisingly large amount of strategic agricultural production occurs near our cities, not deep in the heartland." Secondly, he said, sprawl is occurring "without any planning or contrary to the advice of planning professionals."

Third, Thompson said, "if we don't properly

manage this growth, the nation will lose some critical agricultural production capacity. Indeed, we are already losing it. As we lose unique farmland, we must rely more on foreign countries for fruits and vegetables. And as we lose more prime farmland, found disproportionately near cities, agriculture is forced onto marginal land that is more expensive to farm and leads to greater environmental impacts."

Thompson said in an interview that the study was undertaken as part of a larger effort to promote the issue of farmland loss and that the AFT would be working toward building a stronger, more broad-based constituency for the issue. "The map is the first step in creating an identity ... it's the beginning of a long intense campaign to mobilize this constituency."

The AFT "Farming on the Edge" map can be purchased for \$7.50 (folded) or \$8.50 in a tube. Write AFT, 1920 N St., NW, Suite 400, Washington, D.C. 20036. For more information on the study, contact Gary Kozel: (202) 659-5170.

AFT closing, from preceding page

Last fall, Ed Thompson Jr., who had been serving as general counsel to the organization since its founding in 1981, was moved into a pivotal position as director of public policy, with chief responsibility for directing and coordinating AFT's efforts to influence national agricultural policy. Tim Warman, formerly of the Montgomery County, Md. Office of Economic Development where he was responsible for farmland preservation efforts, was hired in January to assist in legislative affairs.

According to Kozel, 10 employees, at management and support levels, were let go over the last 12 months. Top-level losses in addition to Riggle included Greg Carnill, director of the western regional office in Davis, California, and Karen Kress, director of development and communications. Carnill was not replaced, and the western regional office was downsized to a field office, Kozel said. The Pennsylvania field office was also shut down this year.

According to several former employees, many staff members during the past year left on their own, resulting in a turnover of 50 to 60 percent.

According to Kozel, the personnel cutbacks do not indicate financial trouble for the organization, but preventative measures to keep it healthy. Nonprofit fundraising has not been easy in a lagging economy, he said.

"We are operating in a competitive environment. Funding has declined. We are experiencing

what other organizations are experiencing and are responding accordingly. We feel reasonably good about where we're at and where we're going," Kozel said.

From 1985 to 1992, AFT staff grew from nine to 42, a size "impossible to maintain," Kozel said. Those who lost jobs were given three months in severance pay and benefits. Coleman was offered a contract to conduct a project in the Twin Cities area, but declined, she said. The staff now numbers 32.

The AFT has been the nation's sole organization supporting farmland preservation efforts nationwide since its founding in 1981. It has been instrumental in establishing farmland protection initiatives at the state and local levels, as well as in initiating changes in federal agricultural policy to promote such efforts.

Reaction in the midwest to AFT's decision was marked with apprehension. Steve Chard, chief of the state Bureau of Farmland Protection, said the department is disappointed in the closing of the office, but hopeful that the AFT will continue to provide resources to fit his department's needs.

"We feel agriculture in the midwest has lost a friend. The AFT has many innovative ideas with respect to farmland protection initiatives at the local level, and we are hopeful that the Center for Agriculture in the Environment will carry out the programs that were implemented at the midwest office," Chard said.

AFT MIDWEST CLOSING**Protecting farmland in northeastern Illinois is difficult, at best**

Entrenched land use practices and tax policy in northeastern Illinois have made farmland protection there difficult at best for the AFT and for local and regional planning organizations, according to planners and conservationists in the region.

In Kane County, west of Chicago, for example, farmland protection principles encouraged by the Northeastern Illinois Planning Commission (NIPC) do not deter municipalities from engaging in an annexation race not exclusive to Kane: property tax caps have fueled a land grab to gain revenue as well as to encourage commercial development for additional revenues.

In McHenry County, legendary since the National Agricultural Lands Study in 1981 for allowing just one building right per 160 acres, such local farmland preservation policy can be deceiving. Municipalities there can play the land-grab game with equal fervor. In 1989, a hog farmer wanting to participate in the state agricultural district program, which would protect the farm

from nuisance suits and certain urban-type assessments, was foiled by an adjacent municipality that didn't want the land tied up for 10 years.

McHenry is predominantly rural but seeing increasing urbanization since Sears, Roebuck and Co. in the late 1980s relocated its national headquarters from downtown Chicago to within 15 miles of McHenry's borders.

In June, in updating its land use plan, the McHenry County board agreed under pressure from realtors and farmers to allow limited development in rural areas, straying from its formerly strict policy that called for development to occur only adjacent to municipalities.

In 1991, NIPC said that between 1970 and 1990, development had expanded metro Chicago by 45 percent, while population grew by only four percent. Farmland in the region declined by an estimated 422 square miles during the period, a loss of 23 percent. *Read More: Contact NIPC at (312) 454-0400 to receive its 1992 annual report and its Strategic Plan for Land Resource Management.*

Ag zoning**Ag zoning could see build out in Pa. county***continued from page 1*

farmland and farming in the long term. "It could be if you build out according to the ordinance, you could kill agriculture anyway," he said in a telephone interview. More than 400 local governments nationwide now use agricultural zoning.

Although Coughlin did not study how many dwelling units had been built by right in agricultural areas since the zoning has been in place, five municipalities were able to give percentages of build out, which could possibly provide the first ag zone build out models for future study of the long term effectiveness of agricultural zoning. Springfield Township reported 90 percent of its tracts in agricultural zoning were between 67 and 99 percent built out; another township reported a 65 percent build-out.

The 15 municipalities, which include four boroughs, adopted their zoning between 1974 and 1987, with the zones currently covering 155,725 acres, and providing varying degrees of protection. Most of the ordinances are based on sliding scale area-based allocation.

Rezoning have been few, according to the study. Only five of the 15 municipalities have allowed any rezonings, two allowing between 10 and 30 acres to rezone, and the others between 133 and 248 acres.

Nearly all of the county's agricultural conservation easements, purchased under the state preservation program, have been placed on farms under agricultural zoning.

Personal values that favor the retention of farmland and farming, and leadership by public officials is vital to enacting agricultural zoning, the study said. In particular, the study cited the "dedicated leadership" of the county's planning commission staff and of a municipal solicitor as "crucial" in fostering the acceptance of protective zoning for farmland among the municipalities. The study also found that farmland protection was strongly supported by younger farmers, but that some farmers over 50 were opposed to restrictions.

Coughlin said the study shows that planners can be instrumental in initiating a move toward agricultural zoning, and that fear of farmer opposition may in many cases be a misperception. "There's more support out there than they may think ... farmers have seen the sense of it," he said. "I tend to believe in proactive planners. They ought to be out there with a vision for the future. They have the responsibility to go out and tell the people how they can do it," Coughlin said.

Coughlin said he believes no farmland preservation program can be successful without some kind of restrictive zoning as a foundation to build on. "There's no solution to agricultural protection that doesn't include agricultural zoning," he said.

The study, similar to one Coughlin conducted in Lancaster County last year, found that York and Lancaster Counties are leaders in enacting ag zoning in the state, although a Berks County municipality was the first municipality in the eastern United States to adopt ag zoning, with a 40-acre "large-lot" zone in 1973.

*please continue to next page***legislative
and program
briefs ...**

In Connecticut ... The state program approved its 7th farm this year, for a total of 149 farms now under easement, comprising 22,705 acres, according to Joseph Dippel, acting director. The legislature approved a biennial budget, and appropriated \$5 million for both the current and next fiscal years, Dippel said. Since director George Malia's departure in April, the farmland preservation program has been operated by two staff persons ... The Department of Environmental Protection will receive the same amounts of funding for park and forestland acquisition. Both DEP and the agriculture department are working on a Forest Legacy program for the state.

In Delaware ... Still no funding in sight to purchase easements on any of the nearly 10,000 acres now enrolled in agricultural districts under the state program, operating since Oct. 1992.

In Massachusetts ... Program budget is "down to zero," reports Rich Hubbard. HB5108, which would provide \$10 million, is pending in the Senate. The governor's bond authorization is "still on track - we're still hopeful," Hubbard said. There will be no acquisitions this year unless funding is approved. Meanwhile some appraisal work is underway, and monitoring and enforcement keeps staff busy. Hubbard: (508) 792-7710.

In New Jersey ... With the governor having signed an appropriation bill of about \$20 million, the state easement program now begins to benefit from the 1989 bond issue. A number of closings are lined up for September, according to Rob Baumley, that will take the program into next year with 36 farms and 5,456 acres. The cumulative total acreage is 17,141.

In Oregon ... After repealing new rules adopted by the Land Conservation and Development Commission (LCDC) that would have allowed less restrictive zoning for "secondary lands" under the state's growth management law, the legislature on Aug. 4 passed a bill that takes a different approach to dealing with secondary lands, that is, lands that fall under farm and forest category but that may not be suited to or valuable for commercial farming or forestry. The new law, not yet signed by the governor, uses the "lot of record" equity approach, and allows building rights on properties owned by the current owner or heir or relative on Jan. 1, 1985. "The net effect will be more dwellings on farmland than would have been the case under our rules," said Mitch Rohse of the LCDC. Building rights will not revert to "high value farmland", that is prime or unique soils under

SCS classification, which will possibly affect from two to four million acres from the estimated 16 million acres that may qualify under the lot of record rule, Rohse said.

In California ... SB 850, which would create a model LESA system for optional use by state and local agencies, passed the senate in June and was expected to pass the Assembly at press time. **AB 2027**, which would create a state law similar to the federal Farmland Protection Policy Act, mandating that agencies consider impacts on farmland when devising capital projects. The bill passed the assembly and was in senate committee at press time. **AB 724** would require localities to define "compatible uses" for lands enrolled under the **Williamson Act**, consistent under the act's principles of compatibility, which state that land uses should not aggravate farming practices or result in development of adjacent land. The bill passed the assembly in May and is expected to soon reach the senate floor. The bill is supported by the farm bureau but may be opposed by the Cattlemen's Association, according to Erik Vink, AFT California field representative.

In Maryland ... During the summer, 208 applications for easement sale were received covering 25,850 acres; applications are now being ranked by the foundation, and counties will be asked to prioritize. The foundation is now receiving appraisals from the January round, and will make offers this winter, using an available \$6 million, according to program director Paul Schiedt.

In Pennsylvania ... The House Committee on Agriculture & Rural Affairs will meet in York Sept. 21 to discuss **HB 1707**, which would require a county to have a state approved program by Jan. 1 of the year in which it wishes to receive funds. Currently, allocations are made to each county for the purchase of easements, whether or not the county has an active program. The bill would also allow an additional dwelling to be built if it is to serve as the main dwelling.

Chester County postponed implementation of installment purchase agreements (IPA) for its easement purchase program. "There is still interest among commissioners," said Ray Pickering, program administrator. Under Pennsylvania law, a municipal authority would have to be established to administer IPA funds. A regional authority is an idea that may be pursued, Pickering said. Pickering: ((215) 344-6285

In North Carolina ... Orange County has hired its first full time staff person to work on farmland preservation, including conducting a fiscal impact analysis. Establishment of an easement program is on hold, according to Marvin Collins, but criteria for ranking farms is now being devised, he said. Funding sources that will be discussed include special districts and a real estate transfer tax. The county may also explore installment purchase agreements. Collins: (919) 732-8181, x2592.

Sliding Scale Ag Zoning: Springfield Twp., York County

Single family dwellings are permitted by right in the A Zone and Cv (Conservation) Zone according to the following sliding scale:

Size of Parcel	No. of Additional D.U.s permitted
0-5 ac.	0
5-15 ac.	1 (If no existing dwelling, add one to number permitted.)
15-30 ac.	2
30-90 ac.	4
90-150 ac.	6
Over 150 ac.	6 + 1 for each 30 acres over 150

Dwellings must be located on the least agriculturally productive land. For both zones, minimum lot size is one acre, and maximum is 2 acres unless low quality land is involved. Note: Springfield Twp reported that 90 percent of its tracts were between 67 and 99 percent built out. Source: York Co. Planning Commission

Ag zoning in Lancaster County began in 1975 and has increased steadily since, with all but three townships adopting agricultural zoning, the last being established this year, complete with urban growth boundary, according to Tom Daniels, director of the county agricultural preserve board. Daniels said agricultural zoning has been essential to the success of Lancaster's public and private farmland preservation efforts, through which 16,000 acres are now under conservation easement. A combination of sliding scale and fixed-area based zoning has worked well in Lancaster County, Daniels said.

Many townships in York County did not have zoning or subdivision ordinances in the early 1970s when development pressure from Baltimore's expanding suburbs intensified after completion of Interstate 83. After finding that two-acre requirements for building lots did not protect rural communities from rapid growth, sliding scale zoning was introduced by a township solicitor, who guided several townships into adopting the technique.

Only five other localities nationwide had adopted agricultural zoning before 1974, when Hopewell Township in York County adopted an ordinance allowing five non-farm dwellings for each property regardless of size, with leaders reasoning that giving landowners equal standing in development rights would prove an equitable approach. But in 1982 a state court ruled the system unconstitutional, saying it had no basis in fairness or in farmland protection. Hopewell Township then switched to sliding scale, following Codorus Township, which pioneered the technique in 1975.

Sliding scale agricultural zoning, which allocates building rights according to designated ranges of acreage owned, was found an acceptable form of land use restriction in York County by the Pennsylvania Supreme Court (*Boundary Drive Associates v. Township of Shrewsbury*, 491 A. 2d 86) in 1985.

Ag zoning, from page 7

Twelve York County townships and 13 Lancaster townships use sliding scale zoning, and many townships have additional restrictions, including limits on the size of building lots and requiring siting on least productive soils. Seven townships in York County, according to the study, have placed limitations on subdivision of land zoned for agriculture, which prohibit divisions that would result in tracts containing less than 100, 50, or 20 tillable acres.

Two York County townships limit development to 10 percent of a tract, with one-acre minimum lot sizes.

Coughlin said he is now at work on a statewide study of farmland preservation that will include recommendations for townships.

Read More: "The Adoption and Stability of Agricultural Protection Zoning in York County, Pa." is available for \$9 from the Dept. of City and Regional Planning, Graduate School of Fine Arts, University of Pennsylvania, Philadelphia, Pa 19104. Request list for other studies. Contact: Bob Coughlin, (215) 247-8180. More detailed information on each township's ordinance is available through the York County Planning Commission Sept. 1990 report "Protecting York County's Rural Environment: Current Practices of Zoning Regulation for Agricultural Land." Call (717) 771-9870.

resources ...**New Conferences**

Sept. 20, Lancaster, Pa.: *"Farms for the Future: A Farm Link Working Group Session"* this conference will serve as the genesis of a land link program that will help younger farmers find land to buy or rent, envisioned as a land and labor clearinghouse, according to Janet Hammer of Rodale Institute. For information, call Hammer at (215) 683-1455.

Feb. 3-4, 1994, San Francisco: *"Putting Our Communities Back on Their Feet: Toward Better Land Use Planning"* a tri-state conference and exhibition produced by the California Local Government Commission. The conference will address the problems facing our nation's cities, with a focus on community revitalization and a nuts-and-bolts view of how communities get results. Invited keynote speakers include Al Gore and Secretary of Transportation Federico Pena. To receive information call (916) 448-1198.

etcetera ...**Va. firm working up methodology for fiscal studies**

Arlington, Va. — Is historic preservation good for a locality's fiscal health? A study by an Arlington, Va.-based finance firm to be completed thisfall will try to answer that question, according to John E. Petersen, president of Government Finance Group, Inc.

Last fall the National Park Service and the National Trust for Historic Preservation asked Petersen to develop a methodology for determining the fiscal impact of preserving battlefields. "We're applying land use methodology in phase one, and in phase two we're looking at destination tourism aspects. It's really tough work," Petersen said.

Petersen said fiscal analysis for showing the effects of conservation is becoming more prevalent among local governments as well as nonprofit groups to demonstrate the economic soundness of preservation in a slow economy.

"Clearly, immolation of real life is difficult. Ultimately it comes down to empirical work in an advocacy setting," he said. His firm has performed such studies for Atlanta, Ga., Fredericksburg, Va. and Galveston, Texas. The studies, he said, were "test beds for a methodology that would allow examination of fiscal impacts of preservation activity." The studies produced "pretty hard numbers showing positive economic gains on preserved neighborhoods," Petersen said. *Contact: John Petersen, (703) 528-5785.*

New York open space group is grassroots incubator

Ossining, N.Y. — The Open Space Institute, which works to preserve farmland as well as open space in New York state, is one of four grant recipients sharing a \$100,000 grant from the J.M. Kaplan Fund. The grant is targeted specifically to nurture grassroots rural conservation efforts.

One of the Institute's founding purposes was to provide support for new citizen-based local efforts to protect open space, enforce environmental laws, promote sound land use planning and educate the public. Serving as an umbrella for such efforts, the Institute helps new groups organize and raise funds even before they become incorporated. The Institute provides technical and administrative services that also save money for new groups.

"We serve an incubator role for causes related to land protection," said project director Ick Icard. *Contact: Ick Icard, (914) 762-4630.*

Suffolk County, N.Y. farmland preservation director Kunz dead at 59

Hauppauge, L.I., N.Y. — Longtime farmland preservation administrator Arthur Kunz died in June. He administered the nation's first purchase of development rights program, established in Suffolk County, on Long Island, in 1974. By 1990, the program had purchased easements on almost 6,000 acres.

Suffolk County is the state's most populous county excluding those within the city of New York, and also the state's largest ag producer: over \$108 million per year in agricultural products sold.

Because farmland values in Suffolk were high and land was in small parcels, Kunz' strategy was to form blocks of contiguous parcels, sometimes taking easements on parcels as small as 10 acres, which he called "ag infill." Kunz said in a 1990 interview that the program had to pay 2/3 market value, with a cost of \$20,000 per acre "an acceptable average" in some areas.

Kunz is remembered by colleagues for his 30 years of "nonpolitical and pragmatic" service as a planner; a remarkable ability to recall details of Suffolk's built environment; and for his commitment to farmland preservation.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

New SCS division to focus on urban land use assistance

WASHINGTON, D.C. — A new division in the Soil Conservation Service that would provide more technical assistance to localities in land use and strengthen the agency's role in suburbanizing regions, is proposed and will await approval by a still unnamed SCS chief, according to Lloyd Wright, head of the Community Assistance Branch.

That branch, created last year, seeks to become a full-fledged division that will, among other things, implement the 1981 Farmland Protection Policy Act (FPPA). The act requires federal agencies to consider alternatives to placing facilities on farmland, but has had very minimal implementation.

The driving force behind the move, Wright said, was to place a new emphasis on conservation practices where they are most needed — in urbanizing areas experiencing the most intense land use changes. Wright noted that 75 percent of the nation's population lives on 16 percent of the land.

How to fund the proposed division, through

internal sources, has not yet been determined, according to Walter Rittall, assistant director of the Land Treatment Program Division. According to agency estimates, \$7.5 to \$11.5 million, or one to one and a half percent of the agency's budget is requested to support the division.

In addition, the agency has requested funding for a pilot community assistance project that would add community assistance staff to about 10 field offices, according to Lloyd Wright. "The real assistance will be at the local level," he said.

Conservation districts asked SCS for assistance

The agency move to create the Community Assistance Division grew out of a 1990 conference sponsored by the National Association of Conservation Districts, where many conservation professionals said the SCS was not providing enough technical assistance in land use and community

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Ca. localities ignore Williamson Act; farm bureau files suits

SACRAMENTO, CA — When California's Tuolumne County decided recently to approve development on lands committed to agriculture under the state's Williamson Act, it was just one more example of how California localities are thumbing their noses at the law, according to Glenda Edwards, of the Sierra Club.

Only a week before, the same board of supervisors approved a tentative parcel map for another Williamson Act contract property. And, nearby Merced County, in changing its general plan, will expose large areas of farmland and wildlife habitat to commercial development, according to the California Farm Bureau Federation.

In response, the farm bureau has filed suit against both Tuolumne and Merced Counties,

asserting that the Williamson Act, in Tuolumne County, and the California Environmental Quality Act (CEQA) in both counties, have been violated. The Sierra Club joined in the suit against Tuolumne County.

"The Farm bureau has very good cases in both

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Ca. state farm bureau acts to have Williamson Act enforced

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instances," said Erik Vink of the American Farmland Trust western regional office. According to Vink, "a flurry of bad land use decisions" has spurred the bureau to send a message to all localities, through the suits, that it intends to seek enforcement of the Williamson Act and environmental laws that protect resource lands.

The Williamson Act, passed as the California Land Conservation Act of 1965, gives landowners the opportunity to enter 10-year contracts that restrict their land to agricultural use. In return, they receive reduced property taxes through use value assessment. The contracts are renewed annually unless either the locality or the landowner files a nonrenewal notice or the landowner applies for cancellation. Nonrenewal continues the contract for a full 10 years. Cancellation can end the contract sooner, but a penalty applies. In either case, under the law, development cannot occur until the end of the contract period.

In May, the Toulumne County Board of Supervisors approved a proposal for 23 condominiums adjacent to a golf course on land under a nonrenewed Williamson Act contract in effect until 1998 and 2000. The development plan currently calls for 97 percent of the property to remain in agriculture and open space, including the golf course. The plan was rejected by the county's planning commission, which cited the Williamson Act agreement. The Board of Supervisors also disregarded the advice of its counsel in approving the development proposal.

One month later, the Sierra Club and the California Farm Bureau filed suit to stop the development, claiming it violates the Williamson Act and CEQA, which requires environmental reports when farmland is converted to residential use. The board had ruled that a CEQA impact report was not needed.

The Toulumne board's actions are typical of local governments all over the state that are violating the Williamson Act and CEQA, according to farm bureau attorney David Guy. "This suit sends a message that we won't stand for such abuses that threaten our agricultural land ... the county is thumbing its nose at the act by pretending that a Williamson contract doesn't exist. We're saying it has to honor the contract to preserve the land as agriculture, an agreement which it voluntarily

signed with the landowner years ago," Guy said.

Toulumne County, population just under 50,000, is at a pivotal stage in its history, according to the Sierra Club's Glenda Edwards, with development creeping closer from metropolitan areas to the west every year. While the county "is still a rangeland," she said, "we're next in line," for sprawl. "It's very unusual for the Sierra Club and the farm bureau to come together like this, but this case is such an example of abuse." Edwards said a court date is set for November.

In Merced County, southwest of Toulumne and with a population of about 180,000, supervisors amended the county's general plan to create a new Historical/Recreational Center land use designation that will allow islands of intensive commercial development in areas designated for agricultural or open space preservation. The farm bureau is charging that the county has violated CEQA by not performing an environmental review.

Farm bureau attorney Carolyn Richardson said the Merced County board should have conducted an environmental review, which is required, she said, even if a decision will indirectly cause significant environmental impacts.

The new designation "is supposedly designed to foster preservation of properties with important historical or cultural significance, but the types of development permitted ... have nothing to do with historical preservation," she said. Golf courses, hotels, restaurants, gas stations and similar major commercial uses could be permitted, she said.

Richardson said the amendment reverses the county's longstanding land use policy of concentrating development in existing centers and protecting farmland. "This is not even a close case," she said. "The county would have to review each development proposal as if there were no general plan separating urban and agricultural areas. This amendment actually invites urban clusters out into rural areas."

While the lawsuits are unusual for the farm bureau, they are in keeping with the farm bureau's long-standing support of the Williamson Act and amendments proposed by the state to strengthen the Act's effectiveness, according to Ken Trott of the state Office of Land Conservation.

Such actions by localities underscores a need for

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SCS, from previous page

planning activities in urbanizing areas.

In particular, conservation districts have requested help in setting national standards and guidelines for water quality, storm water management and erosion control; natural resource protection assistance on farmland and flood plains in urban areas; technical assistance for site reviews for erosion, drainage, increased runoff and soils-related problems; and, national leadership for review of coastal zone management plans.

FPPA implementation, amendment proposed

SCS was a voluntary agency until passage of the 1981 FPPA and the 1985 Food Security Act made it a regulatory agency as well. The new division, guidelines published by the agency in February state, will "provide national leadership for the implementation of the FPPA ... [and] for developing and evaluating programs and policies to protect important farmland.

In particular, the agency proposes that the FPPA be amended to permit local organizations to bring actions against an agency that converts prime or important farmland to non-agricultural use "out of line with the provisions of FPPA." The guidelines state that farmland protection can "save millions of dollars if federal funds are not provided to convert farmland to non agricultural uses where land and services already exist in urbanized areas."

Inadequacy of agency services

The Soil Conservation Service has been facing up to its own inadequacy, according to the guidelines, because "the most intensively used land areas of the United States receives the least assistance from SCS ... assistance to these areas has declined drastically over the past 10 years despite compelling reasons for a strong urban/suburban conservation program," the report said.

SCS veterans have long blamed the Reagan-Bush era's anti-regulatory, pro-growth policies for accelerating loss of farm and resource lands in metropolitan regions. In 1985, for example, the Land Use Branch within SCS was abolished. The branch had responsibility for implementing the Farmland Protection Policy Act (FPPA).

The proposed Community Assistance Division would, upon request, provide assistance to localities in devising subdivision regulations, zoning ordinances, natural resource inventories, erosion

and sedimentation control, as well as assistance in subdivision and site plan review, farmland protection and preservation activities, community and regional planning based on natural resource data, and protection of wetlands through land use planning.

The SCS would survey local planners and elected officials on what services they would like assistance in, the guidelines state. Also, urban specialists would be hired to develop urban/community agendas.

Federal role in land use

While the SCS has a statutory role in promoting the protection of farmland through the FPPA, agency officials involved in planning the new division are clearly nervous about how the division will be viewed by those who oppose government involvement in land use.

"The role of SCS in land use planning and implementation should be limited to providing natural resource information and technical assistance. Land use controls rest with state and local governments," the guidelines state. "A clear distinction needs to be made between land use planning or management and land use control or regulation."

The agency feels political heat from the so-called "wise use" movement could be minimized by requesting that local conservation districts review and approve requests for information and assistance in land use matters, and by publishing materials that clearly state that the taking issue is not relevant since the agency does not have land use controls.

In discussing strategies for creating an urban and community assistance division, a team of SCS officials using the Total Quality Management process determined that a strong urban component needed to be created in the "conservation infrastructure" and that the agency would need to "promote efficient use of urban infrastructure" by balancing growth with the preservation of farmland and open space. The team discussed the concept of an "agriculture/urban interface" in which the link between urban life and farmland protection would be part of agricultural educational programs.

The agency is requesting that Congress give new direction for community assistance activities of the

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New Jersey program

Sliding scale now optional

TRENTON, N.J. — New Jersey's proposed sliding scale method for determining the amount a locality receives for agricultural conservation easements has been changed from mandatory to optional, according to Don Applegate, executive director of the State Agriculture Development Committee. The change will allow counties to decide whether the sliding scale is best for an easement offer, case by case, he said.

The most controversial in a set of changes proposed for the state program, the sliding scale was the only component not adopted by the Committee last month.

"Technically it will double our work," Applegate said, but "it will let us test the two systems side by side."

As proposed, the optional sliding scale means the Committee will pay counties according to which system, sliding scale or the conventional flat 60 percent share, results in the higher state share per easement applicant. "The net effect is that it will cost us more, but I don't think it will be dramatic," Applegate said.

But, as before, reactions from county administrators are mixed. Susan Craft of Burlington County, said that a mandatory sliding scale meant that counties with lower easement values would come out ahead in state shares. But with the sliding scale being optional, the system once again tips the scales in favor of paying higher easement prices in more populous counties where true critical mass may not be attainable.

"The sliding scale as [originally] proposed gave a greater percentage commitment to farms with lower easement value ... that was good for the poorer counties. Now, as optional, the richer counties will pick the 60 percent. We're essentially buying fewer acres of farmland, and paying more," Craft said.

Bill Kruse, of Middlesex County, next to metropolitan New York, said that while his board had not seen the proposal, it will likely find it acceptable. "I think the state share would not fall below 60 percent, which is the way it's been," Kruse said. That will keep the county within its limit of a 20 percent share, he said, with municipalities picking up the remainder. *Contact: Don Applegate, (609) 984-2504; Susan Craft, (609) 265-5787; Bill Kruse, (908) 745-3016.*

etcetera ...

AFT names 12 most endangered farming regions

Washington, D.C. — The American Farmland Trust announced July 14 the completion of an eight-month study of the nation's urban-edge farmland threatened by development and named the nation's 12 most endangered farming regions.

Edward Thompson Jr. told a group of reporters gathered at the National Press Club that the 12 most threatened agricultural regions saw population grow by 21 percent in the 1980's and that farmland in the areas decreased by more than 3 million acres. The areas account for 17 percent of the nation's agricultural production.

"Farming on the edge is important to this country, and it is in trouble," Thompson said. "The very qualities that make land good for growing food also make it attractive to develop. And the tide of development is relentless. Our farmland is being piecemealed to death."

The top 12 regions named in order of greatest threat were California's Central Valley, south Florida, California's coastal region, mid-Atlantic Coast/Chesapeake Bay area, North Carolina Piedmont, Puget Sound Basin, Chicago-Milwaukee-Madison metro area, Oregon's Willamette Valley, Twin Cities metro area, Western Michigan, Shenandoah and Cumberland Valleys of Virginia, West Virginia, Maryland and Pennsylvania, and the Hudson River and Champlain Valleys of New York and Vermont.

AFT president Ralph Grossi said that to continue the tide of farmland loss would be a tragic squandering of the nation's vital resources. "Yet, that is what's happening because of our inattention to farmland on the edge of our cities. It was on this fertile land that our civilization first took root. Now, ironically, the growth of our cities is destroying it," he said.

Grossi called for "a national framework to safeguard our best, urban-edge farmland, to designate 'strategic agricultural reserves.'" Grossi said the federal government should serve as a catalyst, providing technical and financial assistance to states and localities to prevent sprawl and encourage farmers to commit land to long-term agricultural use.

He called for enforcement of the 1981 Farmland Protection Policy Act, which requires federal agencies to review subsidized development proposals to avoid unnecessary farmland conversion. He also called for adequate funding for the Farms for the Future Act, which authorizes federal cost-sharing for state and

local conservation easement purchase programs. "This could be a tremendous catalyst to state and local initiative, but has received only minimal funding," Grossi said.

Grossi also said localities and states should step up their efforts in growth management and effective zoning that would protect agricultural resources.

The AFT examined total agricultural production, population growth, production per acre, specialty crop production and farmland decline in its study.

For a full story on the AFT study and opinions of other experts in the field, see the next issue of FPR. For a four-color map depicting the nation's most threatened farming regions, showing in red and orange the 157 counties most threatened, send \$7.50 for a folded, or \$8.50 for a tubed map to AFT, 1920 N St. NW, Suite 400, Washington, D.C. 20036. For more information contact Gary Kozel or Ed Thompson at (202) 659-5170.

Vermont named nation's most endangered place

Washington, D.C. — Because of an onslaught of shopping malls and large commercial chains such as Wal-Mart within the State of Vermont, the National Trust for Historic Preservation has declared the entire state the nation's most endangered place. The move is unprecedented in the Trust's annual "Most Endangered Places" listing.

National Trust president Richard Moe said Vermont is the most endangered place in America this year because such commercial development threatens the economic vitality of Vermont's small town Main Streets as well as the beauty and integrity of its rural landscapes which draw multitudes of tourists each year. Giant discount retailers are the state's biggest threat, Moe said, because they "suck money out of small and medium-sized towns."

In addition to Vermont, among the National Trust's other listings is the Brandy Station Battlefield in Culpeper County, Va., site of the Civil War's largest cavalry battle. That site is threatened with development, even though the developers of a proposed office park on the site filed for Chapter 11 bankruptcy protection two weeks ago after a lengthy battle of their own with historic preservationists.

Other places on the listing include downtown New Orleans, Thomas Edison's Invention Factory in West Orange, New Jersey, and the California residential areas of South Pasadena and El Sereno, Ca., which are threatened by a proposed six-mile, billion-dollar freeway extension that would cut through five historic districts. *Parts of this story were excerpted from a June 23 Washington Post article by Christopher B. Daly.*

New Jersey State Plan

"More a process than a plan"

TRENTON, N.J. — One year after passage of the New Jersey state plan, efforts to bring agencies and localities into line with the concept of sustainability have taken hold, according to Bob Kull, assistant director in the Office of State Planning.

The office has been working with state agencies to help them determine how to change master plans and tailor policies to reflect new state development and redevelopment goals, Kull said.

"Those activities have taken root, but obviously it takes a few years before they take effect," Kull said. "We do see strong signs of progress," in agency adjustments, he said.

Dozens of communities are interested in moving forward in the process of designating centers, as provided under the state plan, Kull said. Centers, as defined in the plan, are " 'central places' within planning areas where growth should either be attracted or not attracted depending upon the unique characteristics and growth opportunities of each Center." Five types of centers were designated: urban centers, towns, regional centers, villages and hamlets, with urban centers being the largest. The state plan named 600 potential centers.

"The process of designating a center, looking at the boundary based on the capacity of infrastructure, including the possibility of farmland preservation," depends largely on the county's planning initiative, Kull said. "Some are doing it on a shoestring, some have significant resources," he said. "A lot of the work this year has been sitting down and talking with them about the benefits and getting those grass roots efforts ignited. That has been gaining momentum," he said.

The state plan is "more of a process than a plan," according to Candace Ashmun, chair of the Plan Development and Implementation Committee. Besides working with state agencies "so the mandate for coordination can take place," and helping municipalities draw center boundaries, Ashmun said the committee is working to simplify legislation for the transfer of development rights (TDR). The technique has strong support, except from farmers, she said, "but all the legislation is much more complicated than need be. We're trying to enable counties to go out and find ways to do it." A legislative committee is working on that, she said. *Contact: Bob Kull, (609) 292-3155.*

Sustainable Use of Land Project

National conservation leaders back effort to cite federal role in land use

WASHINGTON, D.C. — A privately-funded initiative backed by national conservation and land use organizations that aims to "bring land use back into the national dialog," told the Clinton administration last month that federal policies and programs affecting the use of land "have an enormous and often unintended impact" on urban and rural landscapes.

The Sustainable Use of Land Project, initiated last fall and now with a full-time staff of two, produced a memorandum directed to top administration officials and Vice President Al Gore, who has a well-known interest in sustainable development. Gore was the opening speaker at a recent national conference in Louisville that addressed sustainability in growth and development patterns.

The intent of the project, according to the memorandum, is "to draw attention to the environmental, economic and social damage caused by uncontrolled metropolitan growth and urban neglect and to propose alternatives." The project is co-chaired by Patrick F. Noonan, president of The Conservation Fund, and Henry L. Diamond, of Beveridge & Diamond, P. C., a Washington law firm specializing in environmental law.

About two dozen individuals, including leaders of major conservation and environmental organizations including the National Geographic Society, The Lincoln Institute of Land Policy, The Environmental Law Institute, and the National Wildlife Federation, met initially last November, according to project director Alan M. Fox. "The sense from the meeting was that a short term study should be done on land use and its impact on the environment," Fox said.

The project was partly initiated, Fox said, as a follow-up to *The Use of Land*, a report published in 1972 that urged more aggressive land use regulation to improve environmental quality. The report was edited by former EPA administrator and World Wildlife Fund senior fellow William K. Reilly and created by the Rockefeller Brothers Fund. Reilly is also a member of the American Farmland Trust Board of Directors and an advisor to the project.

The report, while often cited by professionals, had little impact on federal policy. Equally ignored was a Congressional study, eight years later, called *Compact Cities: Energy Saving Strategies for the Eighties*. That study said federal policies that promote and subsidize continuous expansion of infrastructure into the suburban fringes would result in urban decay and tremendous loss of important farmlands.

Fox said the project will study metropolitan land use without categorizing it as urban, suburban and rural, but viewing it as a whole. "We increasingly need to look at urban and suburban growth in the context of metropolitan regions ... we will try to do specific case studies," he said. Federal policies that have contributed to the urban exodus of the last two decades will be explored.

The project may also develop a series of workshops and perform

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legislative and program briefs ...

In California ... Petitions are now circulating to support a 1994 bond issue that would include \$15.5 million in grants to localities and nonprofits for farmland conservation easements and \$100 million for other land preservation efforts. The entire bond initiative would authorize \$2 billion "for acquisition, development, rehabilitation, restoration and conservation of park lands, historic sites, wildlife areas and forests." The effort represents the first time monies have been targeted specifically for agricultural conservation easements. Five Central Valley counties would be slated for grants of between \$2 and \$4 million each ... The California Farm Bureau Federation (CFBF) has filed lawsuits against two counties for violating Williamson Act provisions as well as state environmental laws. CFBF, acting on behalf of local farm bureaus, believes the actions will have far-reaching impact on similar situations elsewhere in the state (see story, this issue).

In Michigan ... Ordinance language that would create a conservation easement program for Peninsula Township will soon be introduced. A vote is not expected until later this fall, according to Gordon Hayward. Funding methods are being explored.

In Pennsylvania ... The state easement program reached its debt limit of \$25 million for FY93 this spring and has already committed \$14 million of its new FY94 funds for farms approved since spring. In addition, the board could approve another \$6.5 million for easement offers in July, leaving just \$4.5 million for use until Jan. 1, when the new state tax on cigarettes will net an estimated \$10 million for the program. "We're living a little closer than I care to as far as running out of funds," said program director Fred Wertz.

In Maryland ... Charles County is nearing certification under the state program and is considering use of installment purchase agreements (IPA) for a proposed county operated program. The county also has one property ready to transfer development rights, according to Buddy Bowling, program administrator (301 645-0592) ... Howard County's program is once again up and

running after a year hiatus due to fiscal strains. Applicants left on hold are now being processed according to the county's new formula, according to program administrator Donna Mennitto (410 313-5407). Some applicants are no longer interested when they see the new easement values under the formula, but so far response to the formula, based on that of Montgomery County, has been good, she said.

In New Jersey ... New rules for the state program have been adopted, except for the proposed sliding scale method for determining grants to localities for easement purchase. Now under proposal is an optional, rather than mandatory sliding scale (see story this issue).

In Kentucky ... The Kentucky Agricultural Policy Task Force will hold a special workshop July 19 to discuss the issues, policies and programs affecting agriculture statewide, including how to conserve farmland. The workshop will help the Task Force in drafting final recommendations on how to protect the state's agricultural industry.

In Virginia ... The Commission on Population Growth and Development will meet Aug. 5 and 6 in Wintergreen to discuss public comments on its draft legislation, the Virginia Growth Strategies Act. The Act would: require the governor to prepare and implement a growth strategies plan; establish a Strategic Planning Advisory Commission and a Division of Planning in the state Department of Planning and Budget to assist the Commission and governor in implementing the act; establish a process for developing state and local plan guidelines with General Assembly approval; direct the Division of Planning to review the state budget for consistency of construction projects with the state plan; require the development of a comprehensive data network, etc. For a copy of the draft legislation, call (804) 371-4949.

In Illinois ... McHenry County, long a model of effective agricultural zoning with a 160-acre minimum lot size, is updating its land use plan. The 160-acre zoning has come under attack, with participants evenly divided, according to principal planner Jim Hogue (815 338-2040). The county, located north of Chicago, has gained more than 35,000 people since 1980 when the zoning was adopted. The plan update calls for retaining the 160-acre zoning.

Sustainable, from preceding page

survey research, Fox said. "The project has spent several months canvassing the land trust, conservation and environmental community to see what kind of efforts are going on," he said, meeting with about 60 organization representatives.

While the project's scope of work has not yet been fully developed, a case study approach is likely, Fox said, in studying the various aspects of metropolitan growth. Those include fiscal implications of growth, growth and environmental degradation, the importance of open space protection, transportation policy and its effects on urban form, the effectiveness of planning and growth management techniques, and the impact of current growth patterns on inner cities.

Fox said the memorandum to administration officials should represent the first in a series of papers that will discuss land use as a local activity that should be guided by "a more constructive federal role." The project will likely terminate in one and a half to two years, he said.

The project aims to find "creative and successful state and local approaches to countryside preservation, transportation and pedestrian-oriented development, urban park creation and inner city redevelopment," according to the memorandum. Fox said the project anticipates making recommendations for federal, state and local actions for improving growth patterns.

The memorandum noted vocal opposition to government involvement in land use makes the political climate more difficult than in 1972, but that "now is the time for a contemporary look at the opportunities before us ... to design new land use policies and programs built on sustainable principles. Investments in infrastructure, job creation and the revitalization of cities will simply not produce the intended results unless they are supported by sound land use policy."

The memorandum recommended a review of federal policies affecting land use with the aim of coordinating programs to encourage effective land management. Such review could be a role for the White House Office on Environmental Policy, it said.

Secretary of Interior Bruce Babbitt's National Biological Survey project could be an opportunity to survey the impact of development on the natural environment and to expand the base of information available for localities in making land use decisions, the paper said.

In reauthorizing Superfund, the memorandum noted, Congress should explore ways to make it easier for industry to locate in cities, such as easing the burden of cleaning up waste sites. This would help cities compete with rural and fringe areas for new or relocating corporations, the paper said.

The memorandum called for increased funding for the Land and Water Conservation Fund, which the Clinton administration did not increase in its budget proposal.

Contact: Alan Fox, (202) 328-5097.

SCS, from page 3

agency, since original authorization dates back to 1935.

A move to combine the SCS with the Agricultural Stabilization and Conservation Service (ASCS) and the Farmers Home Administration, still in the planning stages, is not expected to affect the division proposal. However, the proposal is in limbo until a new SCS chief is named. According to sources, several of the top candidates for the position are said to be supportive of creating the division.

Contact: Lloyd Wright, (202) 720-1853; Walter Rittall, (202) 720-1870.

California, from page 2

stronger advocacy of farmland protection in California, a need acknowledged by the American Farmland Trust. The organization is planning a strategy that will help protect farmland and at the same time help California localities deal with their limited ability, under Proposition 13, to tap new revenue sources, according to AFT Director of Public Policy Ed Thompson Jr.

Localities are seeking to expand growth boundaries as a means of increasing revenue, but "strategic growth should be the goal," Thompson said. In addition to performing fiscal impact studies to demonstrate the value of farmland, Thompson is working on the concept of "permanent water for permanent ag land. There is value in the legal guarantee of water," in California, he said.

Thompson said he will try to devise a mechanism, possibly using the transfer of development rights, that will provide that land committed to agriculture will be guaranteed by the locality or state to have an adequate water supply, even during a drought. Thompson said AFT will seek support for the proposal from the state's agribusiness. Contact: Glenda Edwards, (209) 532-7110; David Guy, (916) 924-4037; Carolyn Richardson, (916) 924-4036; Ken Trott, (916) 324-0859; Ed Thompson, (202) 659-5170.

resources ...

Books

• **Hope for the Land**
By Charles E. Little
Rutgers University Press, 228 pp. \$24.95

A collection of anecdotes from around the country show why people think it is important to preserve scenic vistas as well as smaller pieces of land that define the character of their communities. Little says hope lies in effective local strategies for saving land. Hardcover. Available from Island Press by calling 1-800-828-1302. Ask for a copy of their catalog, the Island Press Environmental Sourcebook, which contains categories of books including agriculture, sustainable development, the environmental movement, nonprofit administration, and planning and conservation.

• **Is Farmland Protection a Community Investment? How to Do a Cost of Community Services Study**
By Julia Freedgood
American Farmland Trust, 24 pp. June 1993 \$10

Explains how to reorganize local financial data to reflect the demand for services by different land uses. Based on AFT's pioneering studies in New England and New York that found farmland, forestland and other open lands more than pay their way in property taxes, the handbook provides a detailed guide to AFT's unique five-step process. Call (202) 659-5170 or send check for \$10 to AFT, 1920 N Street, NW, Suite 400, Washington, D.C. 20036.

• **Agricultural Land Evaluation and Site Assessment: Status of State and Local Programs**
By Frederick Steiner, et al., 1991, revised 1992
Arizona State University, 400 pp, new pricing: \$45

The Land Evaluation and Site Assessment (LESA) system was designed to help elected officials and planners rate the factors affecting agricultural land use including soil quality, location, adjacent uses, and access to market. This study explains LESA and profiles localities using the LESA system. It contains 31 maps, 26 tables and b&w illustrations and is spiral-bound. To order, call the Herberger Center for Design Excellence at (602) 965-6693.

Conferences

August 8 - 11, Fort Worth, TX. *Exploring Conservation Frontiers*, the annual meeting of the

Soil and Water Conservation Society, hosted by the Texas Council of Chapters. Sessions include: Rural Planning and Agricultural Land Preservation: A Canadian and Ontario Perspective; Mass Media Policies and Practices on Growth Threaten Soil and Water; Contact SWCS at 1-800-THE-SOIL.

Sept. 29 - Oct. 3: St. Louis, MO. *47th National Preservation Conference of the National Trust for Historic Preservation, "The Challenge of Livable Communities: Revitalizing Urban Environments through Historic Preservation.* Protection of the countryside is a subtheme. Sessions of interest: Partnerships and Politics in the Property Rights Debate; Local Preservation Commissions in the '90s; Scenic Byways; The Preservationist's Role in Planning for Livable Communities; Historic Preservation as a Local Planning Strategy; Battlefield Preservation and Community Building; Partnerships in Preserving Our Rural Heritage; Visualizing the Future: Building a Consensus (simulation technology); Heritage Areas: A Framework for Regional Community Preservation and Economic Development; Cities and Towns or Sprawl: How Communities Can Determine Their Future. Cost: \$160 for members, \$175, non-members before Aug. 1. Special tours, events extra. For a program, contact the National Trust at (202) 673-4000.

Previously listed:

Sept. 30 - Oct. 2, Big Sky, Montana: *Land Trust Alliance National Rally.* Nation's largest gathering of land preservationists. A session tract is dedicated to land use issues and public-private partnerships. Sessions in that tract: Land Trusts in the Land Use Planning Game; Knowing Your Local Economy: The Role of Land Protection in Community Development; Building Community Support for a Land Project; Property Taxes and Conserved Land; The State of State Programs that Fund Land Trusts: Progress and Pitfalls; Land Trusts and Community-wide Land Preservation; Case Studies. For program brochure call (202) 785-1410.

Oct. 30, Research Triangle Park, NC: *Planning the Development of North Carolina and Its Communities.* This conference, to be held at the North Carolina Biotechnology Center will seek to build a consensus for "quality growth" in the state. Loss of farmland and rural character is a primary concern to be addressed. The conference indicates a growing interest in land resource protection at the local level in North Carolina. Contact Randy Schenck, (919) 248-4485

□

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

New Jersey program shifts more responsibility to counties

TRENTON, NJ — Proposed amendments to the New Jersey farmland preservation program that substantially increase local prerogative and alter the evaluation process will become effective in August unless substantive changes are made based on public comments, according to Rob Baumley of the State Agriculture Development Committee (SADC).

New rules will establish a regular cycle of 12 months for easement purchase funding rounds and will allocate local grant funds according to a sliding scale based on an easement's final per-acre costs. Formerly, cost share percentages were based on the amount of landowner percentage discount. Under the proposed system, cost share grants would increase from 63.2 percent under the last two funding rounds to 68.7 percent, resulting in a \$1.5 million increase in state cost share grants to counties. The scale would be modified frequently for market changes, according to officials.

Along with the sliding scale comes a new rule that disallows the SADC to make offers that are

less than the lowest appraised value.

Further, the new rules will enable county boards to use their own criteria to evaluate easement applications and will eliminate a requirement that SADC criteria be used. Also, counties will be able to submit up to seven applications without the formerly required preliminary approval of the SADC. Preliminary approval will be required on applications in excess of seven.

Also, the new rules make counties responsible for determining the number, if any, of residual dwelling site opportunities (RDSOs) on a given parcel. However, allowances have been decreased from one per 50 acres to one per 100 acres.

The New Jersey easement purchase program was created in 1983 and has preserved 17,141 acres on 116 farms according to SADC staff. The program has strong voter support. It was initially funded through a \$50 million bond referendum. Another \$50 million was allocated through bond issue in 1989, and again in 1992.

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Pioneering fiscal analysis for conservation a challenge

ST. DAVIDS, PA — Fiscal impact analysis is struggling to be born as a new tool within the land conservation movement, and local governments and nonprofits seeking to use such studies to document the benefits of land protection must do so as pioneers, according to panelists at a one-day conference near Philadelphia, sponsored by the Lincoln Institute of Land Policy.

Panelists including Robert Burchell of Rutgers University Center for Urban Policy Research and Richard Tustian, visiting senior fellow of Lincoln Institute and former planning director of Montgomery County, Maryland, told participants their work could institutionalize a new use for fiscal impact

analysis.

Burchell said an increasing number of professionals are becoming involved in fiscal impact analysis, and that "this whole movement for open

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Proposed sliding scale controversial in NJ program plan

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New 12-month cycle

A 12-month cycle will add regularity to the program where there was none, according to Don Applegate, SADC executive director. "It wasn't fixed. It was running about 18 months and caught everybody off time." With the 12-month cycle, a one-year turn-around time is likely for most applicants, he said. Appraisals will be due from counties on Jan. 15 - a strict deadline, Applegate said, and "by fall we would be able to close." The new deadline has made some county administrators nervous, Applegate said. If they miss the deadline, applications would be held up until the following year.

Sliding scale

But sliding scale grants have proven the most controversial feature of the new rules, according to Eleanor Campbell of the New Jersey Conservation Foundation. Some counties will benefit, she said, but others, where land values are very high, are "vehemently opposed" to the sliding scale.

Under the sliding scale, counties would receive 80 percent for the first \$1000, 70 percent for the next \$2000, and 60 percent for the next \$2,000. For each \$1000 between \$5000 and \$10,000, the cost share would drop to 50 percent. For the next \$5000 (between \$10,000 and \$15,000) the share would be 25 percent. Above \$15,000 the share would be 10 percent. No cost share would occur for per-acre costs above \$20,000.

"The idea is that, the more expensive the farmland, the more it becomes a local interest," Campbell said. "When certified values come in, counties will have to decide what they can afford." Some counties have imposed a cap on per-acre costs, she said.

Susan Craft of Burlington County said the sliding scale will make it difficult to submit the county's best quality farms because of the limited cost share. "We would like to see the SADC go back to granting a certain amount of money per county," she said. "There's no ability to negotiate and that really ties your hands. We're accruing acreage, but what kind of acreage?"

The Middlesex County Agricultural Development Board passed a formal resolution opposing the sliding scale. On the doorstep of metropolitan New York, its high land values "will shift the burden of the purchase to the county," said board staff person Bill Kruse. Kruse said land values have

dropped from a high of \$22,000 per acre in the late 1980's to about half that, now.

"We feel that land values will probably go up again," Kruse said. The county can put up no more than 20 percent of the certified value under current law. Most parcels coming into the program in Middlesex are about 100 to 130 acres, Kruse said.

Of all the proposed changes, the sliding scale could see some adjustment, according to Don Applegate, who said the committee would discuss the scale in depth at its next meeting in late June. "It's the only part of the proposal that has reached that level of controversy," he said.

Local criteria

Localities will now be able to use their own criteria in evaluating farms, using standards in the Agriculture Retention and Development Act. Criteria are only required to evaluate "the degree to which the purchase would encourage the survivability of the land in productive agriculture and the degree of imminence of change of the land from productive agriculture to nonagricultural use" under the statute.

Residual dwelling site opportunities

The allocation of lot exclusions, in New Jersey referred to as residual dwelling site opportunities (RDSOs), continues to be a difficult issue in the program. Until now, allocation was handled by the state, but under the changes, county boards will have the responsibility for determining eligibility for and allocation of RDSOs. A major change is the density allowed: it has been decreased from one allowance per 50 acres to one per 100 acres. County boards are not obligated to grant RDSOs, and some have been denying their use altogether, according to Eleanor Campbell.

Other counties consider the reduction in allowances detrimental to easement negotiation. Burlington County officials objected to the decrease in allowances, according to Susan Craft, because many parcels under 100 acres have no existing homesite. "It limits the number of potential buyers of that ground," she said.

The New Jersey Conservation Foundation has long called for the elimination of RDSOs because, according to Campbell, they will be difficult to monitor. Monitoring is not addressed in the new rules, but is a critical issue for the future, Campbell said.

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New Jersey program, from previous page

However, the new rules provide a definition of "agricultural purposes," for which new homes constructed through RDSOs are to be used. Agricultural purposes is now defined as "at least one person residing in the residential unit shall be regularly engaged in common farmsite activities on the premises including, but not limited to..." and includes a listing.

While providing a definition for "agricultural purposes" will help some localities better negotiate RDSOs, it will not help in monitoring them, Campbell said. "There will be a very long-term difficulty in monitoring [RDSOs]. Are we going to evict someone because they're not farming?"

The Foundation has proposed the use of lot exclusions, similar to those in the Maryland and Pennsylvania programs. In Massachusetts, the state is even involved in determining the site of the new home. Campbell said that would be ideal. (*For a longer discussion of dwelling site allowances in state programs, see FPR, Sept. 1992 issue.*)

Low offer floor

A change that is likely to please some localities is a provision that disallows the SADC to make offers that are less than the lowest independent appraised value. Last year the SADC made offers lower than the lowest appraised value on about half of all applications, according to Don Applegate, who said it was a function of "wide variations in upper values" across county lines but on virtually contiguous parcels.

When the SADC would review a set of appraisals as a whole, often "they would see a pattern emerge among counties that seemed inconsistent," he said. The committee would make adjustments in easement values in one area, "and then it would have a ripple effect," Applegate said.

Part of the problem, according to Applegate, was that appraisers were using comparable sales data gathered "at the height of the market." The results were devastating for some localities. One county decided to go back for a third set of appraisals and a reviewer, Applegate said.

Playing with the numbers was also devastating for the SADC. Many offers were turned down, and farmers were not at all happy with the committee's downward adjustments.

"They took a lot of heat for doing that, and I'm glad to see that change," said Susan Craft. Craft said it shows how a switch from appraisals to an

effective formula could help the state program move forward.

Appraisals vs. formula

Other localities, too, would like to see a switch from appraisals to a formula for determining easement value. While the committee has tightened rules on appraisals, the appraisal system is still well in place in New Jersey.

That is largely because SADC staff hasn't had the time or resources to dedicate to formula development, according to Don Applegate. However, he said, the SADC would welcome studies or proposals from localities.

"We told the counties if they wanted to propose it, we would look at it. Everybody agrees that if we can shorten the application time and complexities of the process, it's worth doing," Applegate said.

Donn Derr, of the Cook College Department of Agricultural Economics and Marketing, and a member of the SADC, said his department is looking at the feasibility of formula use as an alternative to before/after appraisals. The study, part of a master's thesis, should be completed by the end of summer, he said.

"It's something that's been talked about, but not seriously," Derr said. The high cost of appraisals, as well as the difficulty in appraising rural land are strong reasons for discontinuing appraisal use, he said. "At times there are large divergences in estimating value. We're looking at explaining the source of that divergency."

Derr said formula use "has some potential. We've been able to make some strides because we took information from appraisals and added community values at the municipal level — quality of life variables, such as school systems and library services. They turn out to be quite important. It requires economic theory and statistical routine to get a handle on it," he said.

The changes to the program overall, according to Campbell, should be welcomed by localities. "I think it's what the counties want ... it'll be interesting to see how it goes. Its very admirable to get down to a one-year turn-around," she said.

"In general, it's a step in the right direction," said Susan Craft, "It limits SADC's involvement in RDSOs and gives more power to the counties."

Contact: Don Applegate, (609) 984-2504; Eleanor Campbell, (201) 539-7540; Susan Craft, (609) 265-5787; Bill Kruse, (908) 745-3016; Donn Derr, (908) 932-9161.

Conference

Fiscal analysis of conservation an emerging science

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space analysis has taken place in the last four years."

Participants indicated that a number of local governments and conservation organizations are initiating fiscal impact studies that explore the benefits of open space, but that no methodology has emerged and that no collection of such studies has been compiled.

Burchell, who has been involved in performing fiscal impact analyses for 25 years and has authored two books on the subject, said thousands of fiscal impact studies, the majority initiated by developers, have been performed over the last 30 years using "a vast array of techniques."

Conventional studies are done "to get some sense of what the financial world will be like with a proposed development," and to understand the consequences of build-out at current zoning. The objective, he said, is to determine "whether there will be enough revenues to pay the cost of services now provided. Fiscal impact studies "answer what is the relationship between costs and revenues."

Burchell said the literature is "fairly consistent" in showing that residential growth "is more of a drain than non-residential. Open space studies are just starting to come in." About 90 percent of studies are done through use of databases, and from five to 10 percent are performed through case studies, he said.

"We'll see fiscal impact analyses used on an expanding array of land use types," Burchell said, with more GIS-based approaches used.

Case studies presented by consultant Paul Tischler and American Farmland Trust's Julia Freedgood illustrated divergent approaches toward exploring cost/revenue relationships.

Tischler Associates performed a fiscal impact analysis for Lancaster County, Pa., focusing on Ephrata Township, where three development scenarios were compared for future service costs. Paul Tischler told participants that in the study it was necessary to "buy into the suggestion that water and sewer will have to be extended."

The study compared cluster design to more

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etcetera ...

After 12 year hiatus, FPPA nearer implementation

Washington, D.C. — A change in attitude brought by a new administration has resulted in a move to implement the 1981 Farmland Protection Policy Act, according to Ed Thompson Jr., director of federal policy for the American Farmland Trust.

Last month, the National Agricultural Library selected the AFT to serve as the first Farmland Information Center, as authorized by the act.

"We take that as a sign that there's new interest at the Department of Agriculture on this issue," Thompson said. A dialog between the department and the AFT is taking place, with results, "for the first time in 12 years," he said.

The Farmland Information Center, to be administered by the AFT's new educational and research center in DeKalb, Illinois, will collect and distribute information on farmland loss and protection.

Thompson said the AFT would like the Department of Agriculture to create and lead an interagency task force to oversee federal agency activities that affect farmland

The Farmland Protection Policy Act requires federal agencies to check activities and policies that might result in unnecessary conversion of farmland, and to seek alternatives. *Thompson: (202)659-5170.*

Adjacent development is preservation by-product

Administrators of easement programs acknowledge developers sometimes take advantage of preserved farms adjacent to their projects, but so far, no one is documenting this activity. Developers are using permanently preserved views as a marketing tool to their advantage, administrators say.

Sometimes, that advantage hits close to home, according to Bill Powel, administrator for the Carroll County, Md. program, who said the brother of an easement farm owner decided to develop his land, making use of the permanent preserved views. "He's backing 3-acre lots up against the preserved farm," Powel said. He noted that some Realtors call to verify that a particular farm is in the program, in order to inform prospective home buyers in the area.

Denis Canavan, who works with the Montgomery County, Md. preservation program, said there's not much the county can do to prevent development adjacent to preserved farms. With a one-to-25 density, such development is kept to a minimum, he said.

"I don't think there is anything you can do about

it... there's clearly no method to effectively eliminate or decrease that growth potential. Any preservation program, in a sense, when it's working well, has created a marketing tool for nearby residential development. You have increased the value of that adjoining land," Canavan said.

Canavan noted that in the Montgomery County program, no technique is available to halt development on a key property through any means such as fee simple purchase.

That is, however, an option in the New Jersey state program, and one that is used in such circumstances, according to Rob Baumley of the State Agriculture Development Committee. A fee simple option to be used for "emergency acquisitions" has been in effect since a 1987 amendment to the state program that allowed bond funds to be used for fee simple purchases. The farms purchased under fee simple are then resold at public auction, and the proceeds are returned to the farmland preservation bond fund. Canavan, (301) 495-4500; Baumley, (609) 984-2504; Powel, (410) 857-2131.

Sustainable development summit hosted in KY

Louisville, Ky. — Ideas on how local and state governments can integrate environmental and growth issues into decision-making were exchanged at a four-day conference on sustainable development in May.

The conference was opened by Vice President Al Gore, who said that the population explosion, a scientific and technological revolution and "our way of thinking" are the primary causes for dramatic changes to our ecology. Gore said there is reason for hope because developers are learning that good environmental practices can cut costs and that "it is in our nation's best interest" to foster new technologies that are environmentally sound as well as profitable.

Kentucky farmer and author Wendell Berry, a long-time advocate of sustainable agriculture, told conference participants that dependency on fossil fuels and chemical fertilizers "cannot be sustainable."

Berry said the world's agriculture should not be controlled by international corporations and that strong local food economies with cities being supplied by the surrounding countryside "served by thriving farm families in thriving farm communities" is his vision of a sustainable agriculture.

Berry said he believes the world's agriculture needs can only be met "by local farmers meeting the needs of informed local communities."

More than 1,000 attended the national conference, which was hosted as a follow-up to the Earth Summit held in Rio de Janeiro last year. *For more information on the proceedings, call Ann James, (502) 564-2611.*

Fiscal, from preceding page

dispersed patterns of development. Conducted in February 1993, the study stated no particular objective other than "to help citizens and officials better understand the fiscal impacts of growth management decisions."

The American Farmland Trust study demonstrated that farmland pays more in taxes than it demands in services. The study concluded that for every dollar a residential unit pays in taxes, it uses \$1.15 in services, but that farmland requires only 35 cents in services.

While the American Farmland Trust study was entered into with a bias, it was conducted professionally, according to expert Burchell. The cost-of-community-service study was "a significant contribution to the literature," Burchell said. "They were experienced and did a good job. You can just see the restraint in the AFT study. It was a good fiscal presentation."

"We don't look at how to pay for growth, but where farmland fits into the picture," Freedgood said, noting that her study was "at the opposite end" from Tischler's. "Cost-of-community-service studies don't assume a particular build-out scheme," she said. The AFT studies, performed in three Massachusetts towns, "stress the savings side rather than the paying side."

Unlike conventional impact analyses, the AFT studies are designed to disprove commonly held assumptions about the relationship of open land to a locality's fiscal condition. The AFT uses its studies as a public education tool in New England, where much of the public still believes that farmland tax breaks are an expense to localities. The public, Freedgood said, still largely perceives growth as a means of strengthening the tax base.

Over-dependence on property tax revenue and localities competing for new development in Vermont was the reason the Vermont League of Cities and Towns and the Vermont Natural Resources Council paired up in 1990 to conduct a study on the cost/revenue question. The results of the study, conducted by Ad Hoc Associates, jolted many officials. The assumption that commercial and industrial development would help carry the burden of school costs proved to be false. In fact, in the municipalities studied, an increase in development actually resulted in an increase in tax bills.

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Florida county initiates easement quest

WEST PALM BEACH, FL — Palm Beach County officials gave an official go-ahead to county staff and a consultant June 1 to develop a farmland preservation plan that would target about 14,000 acres for easement purchase from a designated 20,000-acre agricultural reserve. It is the first initiative taken in Florida to preserve farmland through easement purchase.

The cost of a conservation easement program within the agricultural reserve was recently estimated by a farmers subcommittee at \$100 to \$200 million, a figure based on an average of \$20,000 per acre. Appraisals have not yet been conducted. Incremental purchase and installment purchase were not considered in the estimate.

Palm Beach County, located within the southern half of the state's Atlantic coastline, is Florida's most important agricultural county in terms of cash receipts from marketing, but it is also the state's third fastest-growing county.

The county consistently ranks among the top five counties in the nation for cash receipts from sales of agricultural products. It ranks first in the nation for sales of sweet corn.

Craig Evans, senior associate with the American Farmland Trust, told the Board of County Commissioners that whatever the actual cost of preserving its farmland, it would be a wise investment to save a resident industry with an estimated annual value of \$168 million. The AFT has been retained as consultant to the county since March.

Evans will work with an executive committee appointed by the board to fully explore the costs of an easement program, including the possibility of reselling development rights in a transfer program, according to Maria Bello of the county planning division. The city of West Palm Beach has been cited as a likely receiving area.

The county's elected officials are "committed to preserving agriculture," Bello said, but the public has not been warm to the idea because "the price tag is very frightening." Coverage in the press has been decidedly negative she said, with editorials suggesting that the county simply downzone, and asking why farmland needs to be preserved during a recession.

The initiative is going forward with the hope of determining a lower cost of implementation, according to Bello.

The county's 1980 comprehensive plan created the agricultural reserve and recommended preservation. In 1989, the boundaries were adjusted in light of residential encroachment, and again officials recommended preservation, or, "very low residential density." Zoning allowed one unit per five acres.

But the 1989 comprehensive plan also took action: the county called a moratorium on all non-farm development greater than one unit per 10 acres until a study could fully determine whether effective farmland protection was achievable, and what the economic impacts of retaining farmland would be. That moratorium is still in effect.

In 1992, an appointed citizens committee recommended exploring flexible zoning for ag service businesses, development of the horse industry, county purchase of local goods, low interest construction

legislative and program briefs ...

In New Jersey ... The State Agriculture Development Committee (SADC) ended public comment period for proposed amendments, repeals and new rules to the state farmland preservation program June 2. Although some review by the legislature can occur, changes to the law and rules are a committee function. Unless substantive changes are made based on received comments, amendments and new rules are expected to become effective in August. Most significant changes: County boards will use their own criteria in evaluating easement applications; Residual dwelling site opportunities (RDSOs) are decreased from one allowance per 50 acres to one per 100 acres; County boards may submit up to seven applications without prior SADC approval. (Full story, page 1).

In Maryland ... Maryland passed the 100,000-acre mark on easement purchases last month with the purchase of an easement in **Worcester County**, that county's first easement ... The state will have just over \$5 million for 2nd cycle FY 93 easement offers this fall. So far, 70 applications have been received and 100 or more are expected. The state made easement offers covering 4,205 acres this spring, pushing the total to 102,738 acres under easement or with contract status, according to *Paul Scheidt* (410 841-5860).

Baltimore County passed an ordinance creating its own agricultural conservation easement program. See May issue briefs. Call *Wally Lippincott* at (410) 887-2904 for copy of program. **Caroline County** is drafting an ordinance that will create a tax on converted farmland, according to *Tammy Holden*, (410) 479-2230.

In Florida ... Palm Beach County officials have given the go-ahead to staff and an AFT consultant to determine more closely the expected costs of a farmland easement program that would target about 15,000 acres in a designated agricultural reserve (see story this issue). Recent executive order 93-150 creates a commission to study private property rights in relation to loss of land values due to environmental regulation as

well as the public interest in growth management and environmental protection.

In Massachusetts ... The governor's proposed budget offered a line item of \$5 million to the nearly depleted Agricultural Preservation Restriction Program for FY 94, the first time money has been allocated from general appropriations to the APR program. However, the House Ways and Means Committee preferred to issue a \$10 million bond instead, which would be "a one-year fix" for the program, said Rich Hubbard, Bureau of Land Use chief. The \$10 million bond proposal now goes to the Senate.

A larger bond package for open space land preservation, including agricultural land, has not yet been forwarded from the governor's office, but is still expected, Hubbard said.

The program has preserved 29,440 acres since 1977, and expects to close on 250 additional by July 1. The program recently concluded a joint project with the Dept. of Environmental Management (DEM) involving 160 acres along the Connecticut River. DEM provided funds and will hold the easement. *Hubbard: (508) 792-7710.*

In Delaware ... More than 5,000 acres are established as agricultural districts, and more than 4,000 more were eligible at the end of May and under consideration, according to *Cathy Mesick, (302) 739-4811.*

In Pennsylvania ... HB 1515, which provides for assessment of real property subject to conservation easement, was reported out of the House Ag Committee and referred to the House Appropriations Committee.

The Pennsylvania legislature will have a period of slow activity this summer and into the fall, as two special elections in the Senate will determine which party will be in the majority.

In Wisconsin ... The Department of Agriculture, Trade and Consumer Protection has appointed an Advisory Committee to assist in developing an administrative rule for the farmland preservation program.

The program provides state income tax credits to farmers, determined by a formula that weighs household income against property tax burden ("circuit breaker" tax relief). The department is soliciting comments on how to improve policy and procedures. *Contact Kate Lawton, (608) 273-6412.*

Palm Beach, from preceding page

loans, a county-assisted purchasing co-op, and the transfer of development rights. But the committee said the purchase of agricultural conservation easements should be the priority.

It was also recommended the Board take the issue to the electorate. The next county-wide election is scheduled for September 1994.

That gives the newly formed executive committee, once it reports to the board this fall, exactly one year to campaign for public support. Meanwhile, the executive committee must also conduct appraisals in and around the agricultural reserve, make recommendations on how easement purchases can be funded, and identify the best planning and zoning techniques.

The Palm Beach County planning division analyzed the cost of providing infrastructure and services to the ag reserve under three allowed-density scenarios, to put the cost of an easement program in perspective. Estimates ranged from \$8.11 million for 1/10 zoning to \$87.7 million for 1/1 zoning.

The annual net costs of providing services under current zoning could be as much as \$31.7 million, according to Evans. Evans based the figure on a Boulder, Colorado study that found the average annual public cost of maintaining developed land to be \$2,196 per acre more than the average annual public cost of maintaining open space. The figure was multiplied by 15,000, the number of buildable acres in the ag reserve.

Evans cited a study by an economist and a statistical analyst for San Joaquin County, Ca., that concluded the county would have to invest \$182,000 in the county's future for every acre of farmland lost to development. The study took into account agriculture's use of other services in the economy, such as processing and distribution.

Evans said that while the asset value of an acre of farmland in San Joaquin County was considerable, for Palm Beach County the cost of losing an acre of farmland "may be even greater." The average annual value of ag production in San Joaquin County is \$1,109 per acre, while the same value in Palm Beach County's ag reserve is \$8,980, more than eight times as high, Evans said.

Thus the cost of converting farmland within the ag reserve to residential use would be close to \$1.5 million according to the San Joaquin study model, Evans said.

"That's how much the county would have to invest in a safe asset, or in creating or attracting another base industry, to offset the loss of just one acre of farmland in the agricultural reserve and generate an identical income stream for a time span in excess of 20 years," Evans told the commissioners.

Evans added that the total economic activity from ag production in the reserve is more than \$200 million per year, and that the value of new home construction would generate up to \$1.9 billion in economic activity if 15,000 units were built. "That barely replaces 10 years of agricultural production," he said.

Evans said the commissioners have indicated that an easement program should apply countywide, although the ag reserve would be a priority area.

Contact: Craig Evans: (202) 659-5170; Maria Bello, (407) 233-5332.

Fiscal, from page 5

"This was the part of the study that really stunned us," said panelist Deborah Brighton of Ad Hoc Associates. The study concluded that "residential growth goes with commercial and industrial growth. I think that's the main explanation."

Brighton said Vermont's reliance on the property tax to fund schools, police, highways, recreation and general government gave rise to "pocket-book planning." Planning officials have tended to "zone out the negative and zone in the positive" revenue makers. Now, she said, officials should see that a careful balance between growth and conservation should be the goal.

"It's clear that conservation won't solve our tax problem, but we can now look for a balance. We are beginning to get away from letting the tax problem drive planning," Brighton said. *Contact: Robert Burchell, (908) 932-3133; Julia Freedgood, (413) 586-9330; Deborah Brighton, (802) 352-9074; Richard Tustian, (301) 469-6088.*

AFT award nominations

The American Farmland Trust is accepting nominations for its 10th annual Agricultural Conservation Awards. **Deadline is Sept. 1.**

Awards recognize superior efforts by individuals, private groups or governmental bodies that:

- establish or improve upon public policy that promotes farmland protection;
- protect the long-term viability of a specific farmland area, either by saving it from development or soil erosion or by promoting techniques that reduce the negative impacts of agricultural use on the environment;
- communicate the need to conserve the country's agricultural resources;

or,

- display a strong commitment to agricultural resource conservation by directly protecting farmland, funding special conservation projects or adjusting farming operations to reduce negative impacts on agricultural land.

Nominations must include a one-page summary of the nominee's accomplishments. Supporting documentation of up to 10 pages must include three letters of recommendation, detailed descriptions or examples of the nominee's accomplishments, and any newspaper or magazine articles. Self nominations are allowed. All nominations must include the names and addresses of the nominee and nominator.

Materials should be sent to the Awards Coordinator, AFT, 1920 N Street, NW, Suite 400, Washington, D.C. 20036. (202) 659-5170. Awards will be presented at special ceremonies later this year.

resources ...

Books

- **New Jersey Politics and Government: Suburban Politics Comes of Age**
By Barbara G. Salmore and Stephen A. Salmore
University of Nebraska Press, 416 pp, \$16.95

All in the last four decades, New Jersey's historic home rule has given way to a cosmopolitan orientation. The changes resulting from suburbanization make for a study of politics and government, and the first such comprehensive look at New Jersey's growth as a strong centralized political entity. The authors are professors of political science at Drew University and Rutgers, respectively. This book is part of a series on politics and governments of the American states. Contact the Univ. of Nebraska Press at 1-800 755-1105. Fax: 1-800- 526-2617.

Conferences

August 8 - 11, Fort Worth, TX. *Exploring Conservation Frontiers*, the annual meeting of the Soil and Water Conservation Society, hosted by the Texas Council of Chapters. Contact SWCS at 1-800-THE-SOIL.

Sept. 29 - Oct. 3: St. Louis, MO. *47th National Preservation Conference of the National Trust for Historic Preservation, "The Challenge of Livable Communities: Revitalizing Urban Environments through Historic Preservation.* Protection of the countryside is a subtheme. Sessions of interest: Partnerships and Politics in the Property Rights Debate; Local Preservation Commissions in the '90s; Scenic Byways; The Preservationist's Role in Planning for Livable Communities; Historic Preservation as a Local Planning Strategy; Battlefield Preservation and Community Building; Partnerships in Preserving Our Rural Heritage; Visualizing the Future: Building a Consensus (simulation technology); Heritage Areas: A Framework for Regional Community Preservation and Economic Development; Cities and Towns or Sprawl: How Communities Can Determine Their Future. Cost: \$160 for members, \$175,

non-members before Aug. 1. Special tours, events extra. For a preliminary program, contact the National Trust at (202) 673-4000.

June 7 - 10, 1994: Fort Collins, CO. *Call for Papers, Posters and Participants for the Fifth International Symposium on Society and Resource Management: Creating Research, Education, and Management Partnerships Among Natural Resource Professionals.* An interdisciplinary symposium on society and sustainable relationships with natural resources. "The Symposia are founded on the notion that complex natural resource issues are societal problems not amenable to solutions by a single disciplinary view..." Objective is to seek more effective agricultural and natural resource practices and policies. Conference is at the Colorado State University. For program call CSU at (303) 491-7501 or FAX to (303) 491-0667.

Previously listed:

July 12 - 16, Portland, OR: *Urban Growth Management: Portland Style*, sponsored by the Portland State University, Center for Urban Studies. Workshop includes lectures, in-class exercises and open discussion. Field trips will observe effects of current land use policy. Lead instructors are Arthur C. Nelson and Gerrit Knaap, co-authors of *The Regulated Landscape: lessons on State Land Use Planning from Oregon*, recently published by the Lincoln Institute of Land Policy. Sessions include "Farmland Preservation as Urban Containment." Fee: \$400. For information, contact: Portland State University, Center for Urban Studies, Portland, OR 97207-0751 or FAX: (503) 725-5199.

Sept. 30 - Oct. 2, Big Sky, Montana: *Land Trust Alliance National Rally.* Nation's largest gathering of land preservationists. For information, call (202) 785-1410.

Oct. 30, Research Triangle Park, NC: *Planning the Development of North Carolina and Its Communities.* This conference will seek to build a consensus for "quality growth" in the state. Loss of farmland and rural character is a primary concern to be addressed. The conference indicates a growing interest in land resource protection at the local level in North Carolina. Contact Randy Schenk, (919) 248-4485.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Land resource protection no hot topic at APA conference

CHICAGO, IL — Protection of land resources did not fare well among the 139 discussion sessions at the annual American Planning Association conference in Chicago early this month.

Only one session, "Protecting Farmland in Northeastern Illinois," seemed focused on protecting land from development, while all other sessions had their impetus in problems and issues involving development of land.

Many sessions were Chicago-area oriented and focused on urban design, transportation, environmental protection, growth management and social equity issues.

APA director of research and education Bill Klein said the shortage of land resource-related sessions was partly a result of the conference's theme track, "Agenda for America's Communities." Conference organizers favored an urban-oriented theme following the Los Angeles riots, Klein said.

"In some years, there's a lot of talk about [land protection]. It goes in cycles. This year we were looking for an urban agenda," Klein said.

Last year's conference in Washington, D.C. provided several sessions that addressed attempts to protect land resources, among them a rural clustering workshop where farmland preservation was discussed heavily, and a session on bioregional planning efforts.

"Protecting Farmland in Northeastern Illinois," sponsored by the Small Town and Rural (STaR) Planning Division and moderated by *Farmland Preservation Report* publisher Deborah Bowers, began with a perspective on the issue of farmland loss from Chicago writer Robert Heuer.

Heuer, who has written extensively on farmland loss in the Chicago region and related issues, told session participants that farmland loss is the result of a "civic industrial complex" comprised of the real estate and development industries, the world of finance, and the media, particularly newspapers, with their dependency on real estate-related advertising. The complex draws its life blood from the continual outward expansion of cities, Heuer said.

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After a decade, funding void stymies Minnesota program

SAINT PAUL, MN — In the near decade since the Minnesota legislature adopted a farmland protection policy, the state has implemented a program that includes property tax credits for non-farm use restrictions. But since 1986, when the state experienced budget cutbacks, the program has not extended beyond the original three counties that participated in a pilot project.

In addition, farmland preservation does not have a lot of clout compared to other agricultural issues in the state, according to Douglas Wise, program administrator. That's something his office is trying to change, he said.

In particular, Wise said the program could be

used more effectively to address the problem of feedlot siting and expansion, and manure management, issues faced head-on by the state department of agriculture in the past two years.

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Farmland loss result of "civic-industrial complex" writer says

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"The civic-industrial complex acts on what we have always been and remain today: a people blessed with an abundance of land and cursed by an apparently abiding commitment to carve up every square foot of it," Heuer said.

The alliance of like-minded businesses fuels inner city decay, Heuer said, while devastating rural communities and local farming economies. Heuer urged planners to motivate citizens to question development plans and to form effective organizations that will keep watch on local economic development decisions.

Larry Christmas, senior advisor to the Northeastern Illinois Planning Commission (NIPC) agreed with Heuer's perspective. "The future of Chicago is linked to farmland protection," Christmas said, but added that farmland protection "is only one of a variety of tools to slow down this trend of regional de-centralization."

Christmas guided NIPC through a long process that resulted in the agency's release last year of a land resource management plan and a study that showed Chicago's six-county area population as having grown by 4.1 percent between 1970 and 1990, with the number of households growing by 20 percent. The study found also that land consumed for residential use had increased by 46 percent. The report said that such decentralization has caused "higher taxes, continuing pollution, rapid loss of farmlands and declining urban communities," drawing a direct link between urban decay and farmland loss.

Journalist Heuer, who has written about the plan at length for several Chicago newspapers and magazines, said that without effective promotion the plan would become "one more dust collector on the shelves of bureaucrats ... I've talked to a lot of people who should know about the plan, and they don't," he said. Heuer said that NIPC "has all the influence of a scorned prophet."

The session finished up with James Shelby, director of planning for Will County, outlining his county's use of intergovernmental agreements, which the county uses to coordinate planning and to promote compact and contiguous development.

Currently, intergovernmental agreements, authorized under Illinois statute, may be in use only in Will County, according to Shelby. Besides

agricultural zoning, use of agreements may be the only farmland protection technique in use at the local level in Illinois. Will County is contiguous to Chicago, southwest of the city.

Federal rural development plans, which could conflict with farmland protection objectives at the state and local levels, were the topic of another session sponsored by the STaR division.

In that session, plans for economic development assistance through the National Initiative on Rural America, including funding for water and sewerage, essential community facilities, small business development and business creation and expansion were outlined by both the Forest Service and the newly organized Rural Development Administration (RDA).

The RDA, created under the 1990 farm bill, has been developing the National Initiative on Rural America. According to J. Norman Reid, director of the RDA's Strategy Development, the drive behind the initiative is to form a "vision of a new future," and "to focus investments" in rural areas.

"We've been trying to revolutionize government by pushing decisionmaking down to lower levels," he said. Reid said the federal government has "done a lousy job" of understanding the trends that shape rural America, such as global economic competition, and how to respond to those trends.

Thirty-four state rural development councils are now operating under the RDA, Reid said, and 13 more states are forming councils. The councils are made up of officials from a broad array of state and local agencies working with rural issues.

In a post-conference interview, Reid said the initiative will "allow a lot of flexibility," and that it will not undo farmland protection policy at the federal level. "The initiative won't take a stand on [farmland protection]. The councils could take that up as an issue. We're not going to prescribe issues [for councils] to consider," Reid said.

Reid also said the RDA had not tried to define "rural," and that metropolitan regions and more isolated communities would be participating in the program. Again, it would be up to councils to determine whether proposals funded through the program will conflict with a locality's farmland protection objectives.

The Farmers Home Administration, which has

please continue to next page

APA conference, from previous page

been handling agricultural environmental policy, will administer the initiative. That agency has been implementing the federal Farmland Protection Policy Act (FPPA) more effectively than any other agency, according to Lloyd Wright of the Soil Conservation Service. The FPPA, adopted in 1981, requires federal agencies to minimize, and consider alternatives to, farmland conversion in policies and programs.

"I anticipate there won't be a problem," with federal farmland protection policy conflicts, Wright said. Wright also said, however, that it is too early in program development to tell if farmland protection at the local level will be affected. Contact: J. Norman Reid, (202) 690-2586; Lloyd Wright, (202) 720-1853; Jim Shelby, (815) 727-8430; Larry Christmas, (312) 454-0400; Robert Heuer, (312) 235-9531.

Small Town and Rural Division presents first annual awards

The Small Town and Rural (STaR) Planning Division presented the division's first annual achievement awards at its business meeting during the APA conference this month. Following are award descriptions.

- **OUTSTANDING USE OF MEDIA** ~ presented to the Small Town Assistance Program, Scott Truex, AICP & Tony Costello, AIA, of the College of Architecture and Planning, Ball State University

The Small Town Assistance Program has managed, through student teams, to get small town and city newspapers to donate printing and distribution of small tabloids that describe the findings and recommendations of urban planning and design studies. The "tabs" increase public awareness of options for the future of their communities. The teams provide the writing, artwork and layout ("camera-ready") for newspaper production managers. *Scott Truex, (317) 285-5188.*

- **OUTSTANDING PLANNING PROGRAM** ~ presented to the Lancaster County Agricultural Preserve Board, Lancaster County, Pennsylvania

This farmland conservation easement program's outstanding record in permanently preserving farmland serves as a national reference point for the purchase of conservation easements. Under the direction of executive director Tom Daniels, the program has long led the state in farmland preservation, and ranks fifth in jurisdictions nationwide for number of acres (close to 16,000) permanently protected from development. *Tom Daniels, (717) 299-8355.*

- **OUTSTANDING PROGRAM: LARGE JURISDICTION** ~ presented to Tony Lashbrook, planning director, Mariposa County (Ca.) Planning and Building Department

Comprehensive plan for a county of only 16,000 population in the Yosemite National Park area,

was established complete with regulatory standards to protect scenic resources and community character. Strong support and participation from citizens. *Lashbrook, (209) 966-5147.*

- **OUTSTANDING PROGRAM: SMALL JURISDICTION** ~ presented to the Springhill Planning Program, Mary Kay Peck, AICP, County of Gallatin, Bozeman, Montana

Located in the fastest growing county in Montana, Springhill residents petitioned the county to establish a planning district, and completed a plan that uses original boundaries of the community's one-room schoolhouse and fire department. The plan is complete with zoning ordinance and design manual to protect community character and agricultural land. *Mary Kay Peck, (406) 585-1465.*

- **OUTSTANDING STUDENT PROJECT** ~ presented to the Westfield Planning and Design Studies and the Fountain City Planning and Design Studies, James A. Segedy, AICP, project director, Ball State University, Muncie, Indiana

These two design studies were undertaken by Ball State University urban planning students who conducted community workshops, physical inventories and statistical analysis to prepare plans for land-use, economic development, transportation, housing, environmental issues, public finance and town design. In addition to the plans, both projects used computer aided visual simulation to present the communities with before and after scenarios. Westfield and Fountain City have populations of 17,000 and 800 respectively. Both communities are experiencing rapid growth and are seeking to maintain rural character and agricultural industries. *Jim Segedy, (317) 285-5188.*

Compiled with the assistance of Jim Segedy, editor, Small Town and Rural Planning, newsletter of the STaR Division.

Minnesota program provides technical assistance, waits for funding innovations

continued from page 1

Wise could do this, he said, through his program's land use planning technical assistance.

The goals of the 1984 Agricultural Land Preservation Policy are to preserve and conserve agricultural land, including forest land, protect soil and water resources, and encourage orderly development of rural and urban land uses.

The law directed the department of agriculture to provide financial and technical planning assistance for up to seven non-metropolitan counties in a pilot program. But funding, set at \$30,000 in matching grants per participating county, was reduced in 1986 to \$20,000, and after that year, it stopped altogether. No funding for planning assistance has been forthcoming, and program participation has not spread to any of the 77 other non-metro counties eligible under the state program.

And counties need planning assistance if farmland is to be protected, according to the program's annual report. Of the state's 80 non-metropolitan counties, the area of coverage for the program, 55 (69%) have land use plans. Of those 55 counties with plans, 39 were adopted before 1980. Of those 39 pre-1980 plans, just 12 have been updated and seven are in process of updating. With completion of those being updated, just 35 of the 80 subject counties (44%) will have plans updated since 1980.

Sixty-two counties have zoning ordinances, but fewer than half of those use density standards to protect farmland. The most common density standard is one unit per 40 acres (17 counties). Four counties have a more restrictive standard and seven are less restrictive than 1/40.

While the program's growth has been stymied by the absence of the matching grants for planning, the state has lost farmland to "minor rural land uses" at a rate of about 30,000 acres per year, according to the National Resources Inventory. Those uses include farmsteads, rural development of less than 10 acres, roadways, utility corridors, strip mined areas and marshland.

To strengthen the program through incentives, the legislature, in 1986, established a property tax

etcetera ...

Panel of journalists, planners go head to head

Chicago, Ill. — A panel of journalists told a group of planners and other journalists at the APA annual conference that planners need to take a more active role in getting planning issues into the press, and denied that presenting land use issues from a real estate perspective creates a bias in favor of development.

J. Linn Allen, real estate writer for the *Chicago Tribune*, said real estate writing presents land development issues as they really are — market-based, and that it is not the job of real estate editors to provide information or ideas on land's resource value. Allen and a fellow panelist fervently denied, on inquiry, that any connection, direct or indirect, exists between a newspaper's real estate advertising revenue and its format for real estate reporting.

A journalist in the audience told the panel that newspaper reporters were not doing their job of covering how development affects a broad range of community concerns, and that the "human interest factor" that has "held a grip on newspaper reporting for the last 30 years" could be found by taking more initiative to inform selected interviewees about development proposals that will affect their communities.

Michael Sugerman, a San Francisco radio reporter on the panel, said planners who want to communicate with the media should get in touch with selected reporters often, and tell reporters what planners do in their jobs. "If you love your job, tell us why," he said. Such contact will make reporters more likely and better able to cover planning issues the next time around, he said.

Rural development, land use clash in STaR division

Chicago, Ill. — What some call a classic split between economic development and land use in the planning profession is also causing a split in APA's Small Town and Rural Planning Division, say some active members.

Two conference sessions sponsored by the division, "Protecting Farmland in Northeastern Illinois" and "Federal Efforts in Rural America" evidenced a conflict in rural planning as well as in the division's membership. While the first outlined efforts to turn back government investment in infrastructure in the urban fringe and agricultural areas, the second outlined renewed efforts by the federal government to foster growth by funding infrastructure in rural areas.

Tom Daniels, co-author of *Rural Planning and Development in the U.S.*, said in a post-conference interview that "there are two rural Americas," one that exists on

please continue to next page

the urban fringe, and a more isolated rural America beyond commuting distance to any major city.

"You have the rural areas that are desperate for funds, then you have the growth management people — we want to do stuff where the feds aren't the players," Daniels said.

Rural development initiatives for isolated communities, Daniels said, are "pretty dependent on federal dollars that aren't going to be there." Daniels said the division should limit the number of sessions on federal policy development, and develop a program that is practitioner-oriented.

Lloyd Wright, an active division member and a veteran land use planner with the Soil Conservation Service, said many economic development professionals "would like as few restraints as possible — that leads to overlooking farmland protection."

"If we're going to do economic development, let's at least have a process to look at farmland and resources and where to spend money," Wright said. "Some of us [in the division] are pushing to do something with land use and others with economic development," he said.

Rural development initiatives need to recognize agriculture and cottage industries as the most sustainable rural economy, according to James A. Segedy, associate professor of urban planning at Ball State University. Segedy believes there is a growing realization within the division of the conflicts between economic development and rural planning.

"There could be [a split] in the division. Economic development and rural land use could very well be opposite interests," Segedy said.

Fl. county considers \$200 million easement plan

West Palm Beach, Fl. — Palm Beach County, Florida's third fastest growing county, is planning what could become the nation's most expensive farmland preservation program, designating 15,000 acres from which development rights could be transferred as well as purchased, according to Craig Evans of the American Farmland Trust.

A conservation easement program has strong support from farmers, despite an estimated price tag of \$200 million, with just \$30 million available from the county budget. Officials are considering sale of performance bonds possibly supported by sale of development credits transferred out of the agricultural preserve, Evans said. The sending and receiving area would be limited, with West Palm Beach absorbing all the transferred density, according to Evans. Current zoning allows one unit per five acres within the agricultural preserve.

"This is an opportunity to put together a unique package that could serve as a model for the rest of Florida," Evans said. *Evans: (202) 659-5170.*

Minnesota, from preceding page

credit to encourage farmers in participating counties to place restrictive covenants on their land. A state conservation fund was set up, supported by a \$5 recordation fee on all mortgages and deeds imposed in all seven metropolitan counties and participating non-metro counties. One half of the revenue is used by the participating county to reimburse itself for revenue lost through the tax credit. The other half is transferred to the state conservation fund, a state account that all counties can draw on if their own share runs out.

But the tax credit incentive, too, ran into trouble, not from actual funding shortages, but from fear of shortages. Two counties that had initially participated in the pilot program dropped out, fearing the revenue source would be inadequate if farmer participation was heavy. Further, no other counties think the incentive is worth the risk. County officials worry that if the state conservation fund is depleted, they will have to cover the cost of their programs.

Those officials may be pointing up a grievance with a legislature that endowed a sister program, the Metro Ag Preserve Program, with a powerful backup: if the conservation fund is depleted, counties under the Metro Ag program can be reimbursed for tax credits through the state general fund. No such assurances are given for the state program.

And, changes are not in the offing. Program administrator Doug Wise says the condition of the state budget precludes pressuring legislators for planning grants or further reimbursement assurances.

"Ag land preservation hasn't been a hot issue the last few years ... hopefully, if the economy picks up, that will change," Wise said. "At this point, we're reassessing our position and developing a strategy on where to go," he said.

Meanwhile, three counties, Waseka, Wright and Winona, continue to file restrictive covenants, currently protecting about 140,000 acres. The covenants go only so far in protecting farmland, however. Although it takes eight years, a termination process can be initiated at any time by either the landowner or the county.

The program is actively providing planning assistance to counties, and also reviews state proj-

please continue to next page

Funds, finance, top issues for Minnesota

continued from page 5

ects affecting 10 or more acres of farmland. The planning assistance is important, Wise said, to create a framework for farmland preservation. "The fund and the financing are issues," he said, but "we've made definite impacts in plans." *Contact: Doug Wise, (612) 296-5226.*

Minnesota's non-metro farmland protection

Method: Restrictive covenants, in effect until either the landowner or county initiate termination.

Acres protected: About 140,000, in three counties

Incentive: \$1.50 per acre property tax credit

Other benefits: right to farm; annexation and eminent domain limited and subject to review; protection from assessments for sewer, water and drainage systems. Public projects prohibited on covenant farms.

Farmer eligibility: 40 or more acres, 20 acres if adjacent to eligible land

Participation: Three of 80 eligible counties participate

Other program activities: technical planning assistance, public education

Funding status: Matching grants to counties for planning assistance have not been appropriated since 1986. Localities consider reimbursement mechanism for tax credits inadequate, which stymies participation.

Minnesota's other program

Metro ag program gets tax credit boost

ST. PAUL, MN — Seven Twin Cities area counties not included under the Minnesota statewide program described above are covered under the Metropolitan Agricultural Preserves Act of 1980. Under the program, parcels of 40 or more acres can make up an agricultural preserve, and contiguous parcels of at least 20 acres that are adjacent to at least one other eligible parcel can apply. Last year the legislature approved a minimum property tax credit of \$1.50, as in the state program.

With that incentive, "we may see some new applicants this year," said Tori Flood of the Metropolitan Council, the planning agency that administers the program. Interest in the program had been waning in recent years because the program's tax benefit was weakening. Metro area farms received tax bills based on whichever was lower — their own township's tax rate, or, the average statewide rate. But because tax rates for rural farmland have been rising, the difference between the two rates have been virtually nil in recent years. The property tax credit should help make the program more attractive, Flood said.

The Metropolitan Council and other authorities use an Urban Serv-

please continue to next page

legislative briefs ...

In California ... consideration of growth management bills has been postponed for a fifth week ... a bill that will delete **golf courses** as a permitted use on agricultural lands enrolled under the Williamson Act is under consideration ... **Yolo County** is seeking to preserve farmland as habitat protection for the Swainson's hawk, according to Erik Vink of the American Farmland Trust. The move could be the first of its kind, demonstrating that farmland preservation equates with habitat protection, he said. *Vink: (916) 753-1073.*

In Massachusetts ... a proposed **bond act**, includes between \$35 and \$50 million for the Agricultural Restriction Program, is expected but not yet introduced. *Craig Richov: (508) 792-7710.*

In Maryland ... A **Harford County** commission is exploring the use of property tax credits and conservation easements for environmentally significant lands ineligible for farmland preservation programs ... **Baltimore County** expects passage of a local farmland easement program this month that will accept farms as small as 50 acres even if noncontiguous to other easements. Applicants can opt for formula or appraisal-based value assessments, and can apply for immediate easement sale without district creation. Lot exclusions: One lot for first 50 acres and second 50 acres, one lot per each additional 20 acres. Turnaround time is expected to be less than half of that needed under the state program, according to *Wally Lippincott, (410) 887-2904.*

In Florida ... A **\$200 million farmland preservation program** being considered by Palm Beach County would target a 15,000 acre agricultural preserve for easements using purchase and transfer of development rights. The plan explores use of general funds, performance bonds and transferable development credits handled by the county, according to Craig Evans of the American Farmland Trust. West Palm Beach would serve as the receiving area for the TDC plan as currently considered. (see story, page 5). *Evans: (202) 659-5170.*

In Virginia ... The General Assembly rescinded a part of the state's 1981 farmland

preservation law, which required a special administrative subcommittee to review and evaluate the effect of agency plans on farmland and to report biennially to the Governor and legislature. The change was made during legislation that resulted in combining the state's four environmental agencies into a new Department of Environmental Quality.

The former Council on the Environment, which had the responsibility to review agency plans that will impact farmland, is now the Office of Public and Intergovernmental Affairs (OPIA). The new OPIA will still have the responsibility to review state agency plans that will impact farmland, but no plans have been submitted for review in recent years, according to *John Marling*, (804) 786-4500.

In New York ... Gov. Mario Cuomo has proposed in his budget bill to revitalize the **Environmental Assistance Fund** through an existing container tax, unclaimed beverage deposits, a portion of the existing excise tax on beer and a \$5 fee on new tires effective April 1, 1994. The EAF fund will be used for projects including assistance to counties for **farmland protection** programs, funding for measures needed to protect the future of the Adirondack Park, including support of planning by local governments and reimbursements to local governments for tax revenue reductions on certain open space areas. In the proposed fiscal 93-94 budget, \$9.5 million is appropriated for state and local open space conservation projects, and \$300,000 for assistance to localities in developing farmland preservation programs.

In Pennsylvania ... Citing reuse of old industrial sites as a way to protect farmland, a bipartisan effort by the four leaders of the Senate environmental and economic development committees have developed a bill that will protect landowners from liability for on-site pollution they did not create. The owner of a polluted industrial site will be able to devise a plan for clean-up without being targeted for enforcement actions.

Clean-up plans would be reviewed by the state Department of Environmental Resources (DER). Completion of clean up would be certified by DER. In addition to clean-up, the company would also have to guarantee to retain or create a certain number of jobs over five years. Michigan is considering similar legislation. *Contact: David Hess, (717) 787-5708.*

MN Metro ag program, from preceding page

ice Area boundary to determine where sewer service will be extended. Municipalities routinely use their veto power to deny applications from farmers adjacent to or near the boundary.

Farmland in the Twin Cities area has been lost rapidly over the last decade. Between 1982 and 1987, Hennepin County lost 88 farms, or 9.4 percent of its total farmland, about 20,000 acres. Figures in several neighboring counties are similar.

This year the program has not sought legislative changes, but the Land Stewardship Project, a nonprofit group that promotes sustainable and community agriculture in the Twin Cities area, is working in the legislature to expand protections under the program, including exemption from assessments for storm sewer and road construction.

Recently, according to Flood, some municipalities have rezoned properties in the Metro program at densities greater than the 1 in 40 required for participating farms. To correct it, the localities will have to re-do their comprehensive plans, Flood said. "We always assumed local authorities knew the process. We're finding that's not the case." *Contact: Tori Flood, (612) 291-6621.*

Conference Quote

Robert Heuer, Chicago journalist "Protecting Farmland in Northeastern Illinois"

“ Illinois Gov. Jim Edgar told me last summer that we have to find ways to improve the quality of life where people live so they don't keep moving farther out, creating more suburban sprawl.

That comment was a sign that politicians realize growth doesn't pay for itself. Yet a few months later, Edgar endorsed a third regional airport on Will County farmland, a public works project that would do more to promote suburban sprawl than anything since the building of O'Hare in the 1950's. The difference is, we needed O'Hare. But we don't need an airport that's three times the size of O'Hare. Airport promoters admit that the main reason they're pushing this project is real estate. Indeed, the project has less to do with transportation needs than with promoting the wholesale development of Chicago's southern suburbs.

I asked one southern suburban official about growth patterns not creating wealth so much as shifting resources from the city and older suburbs. Her response was that we just want what the western and northern suburbs have gotten. In other words, hurray for the market and to hell with society ...

What can you do to foster a new ethic for the 21st century, one that has less to do with growth and more to do with taking care of what we already have?

Historically, planners' bread and butter has been planting subdivisions on farmland. You, too, need to shift your perspective... yesterday at the Urban Policy Challenges forum, they were realizing the need to dump the urban rhetoric, change it to a metropolitan theme that shows the common destiny between city and suburb. Add rural.

Farmland is a valuable non-renewable resource and the historical basis of our national wealth. And if we can find ways to bolster farm economies so that farmers have options other than selling out to speculators, I believe this society can once again treasure farmland for what it was meant to be. And, at the same time, find new resolve for focusing on the problems of the inner city. ”

resources ...

Publications

• **Land Conservation Through Public/Private Partnerships**

Edited by Eve Endicott
Lincoln Institute of Land Policy 320 pp; \$22.95

Provides in-depth look at the mechanics of public-private land protection efforts, which have become the backbone of local land preservation. Demonstrates the broad array of circumstances under which cooperation between the public and private sectors can significantly improve land conservation efforts. Contact: Island Press, 1-800-828-1302.

• **Paving Over the Past: A History and Guide to Civil War Battlefield Preservation**

by Georgie Boge and Margie Boge
Island Press, 220 pp, \$15.95

Thoroughly researched, the authors analyze the issues involved in preserving battlefield sites and provide a framework to devising a program to accommodate the needs of both historic preservation and economic growth. Through extensive case studies, the authors hold that current mechanisms for battlefield preservation are inadequate and present a detailed policy program that could effectively protect remaining sites. Contact Island Press, 1-800-828-1302.

• **How Shall We Grow: Alternative Futures for the Greater San Francisco Bay Region**

By John D. Landis
California Policy Seminar, Univ. of Ca. 90+ pp.

This report, just released, addresses how different land-use scenarios will affect the quality and density of future growth, and what impact that growth will have on planned existing infrastructure. Recommendations on what kinds of policies will be needed to coordinate growth between different levels of government. Report encompasses 14

counties. The California Policy Seminar is a joint program of the University of California and the state. Contact the seminar at (510) 642-5514.

Conferences, Courses

May 27 - 28, Athens, GA: *Preserving Rural Character and Open Space*, presented by the Northeast Georgia Regional Development Center.

Workshops to provide practical techniques for protecting rural resources and open space. Sessions include Rural Conservation, Conservation Easements and Greenways, Opens Space Subdivision and Design and Economic Benefits of Aesthetic Control.

Fee: \$80. Room reservation: (706) 542-6364 (special rates \$42 to \$55.) Register on site: The Georgia Center for Continuing Education, 1197 South Lumpkin St., Athens.

July 12 - 16, Portland, OR: *Urban Growth Management: Portland Style*, sponsored by the Portland State University, Center for Urban Studies.

Workshop includes lectures, in-class exercises and open discussion. Field trips will observe effects of current land use policy.

Lead instructors are Arthur C. Nelson and Gerrit Knaap, co-authors of *The Regulated Landscape: lessons on State Land Use Planning from Oregon*, recently published by the Lincoln Institute of Land Policy. Sessions include "Farmland Preservation as Urban Containment." Fee: \$400. For information, contact: Portland State University, Center for Urban Studies, Portland, OR 97207-0751 or FAX: (503) 725-5199.

Oct. 30, Research Triangle Park, NC: *Planning the Development of North Carolina and Its Communities*. This conference, to be held at the North Carolina Biotechnology Center, is still in the planning stages, but will seek to build a consensus for "quality growth" in the state.

Loss of farmland and rural character is a primary concern to be addressed. More information next issue. The conference indicates a growing interest in land resource protection at the local level in North Carolina.

Previously listed:

May 25-28, Louisville, KY: *State Strategies for Sustainable Development*. One of Gov. Brereton Jones' goals for his tenure is to direct the state and its localities toward effective land use planning that will protect natural resources and agriculture while assuring a sustainable economy. Both public and private sector initiatives will be discussed. Call (502) 564-2611 for information.

June 4-6, Washington, D.C.: *National Carrying Capacity Issues Conference*. This is the second conference sponsored by the Carrying Capacity Network, an organization that focuses on population stabilization and immigration issues, as well as resource conservation and environmental protection. Last year's conference emphasized population growth as the root cause of resource degradation. For info. call 1-800-466-4866.

June 10, St. Davids, PA: *Does Land Conservation Pay? Determining the Fiscal Implications of Preserving Open Land*, sponsored by the Lincoln Institute of Land Policy. Will explore cost of community services or fiscal impact studies that focus on balancing development and protection of land resources. Speakers include AFT's Julia Freedgood; Paul Tischler of Tischler & Associates; Richard Tustian, senior fellow of Lincoln Inst.; Deborah Brighton, Ad Hoc Associates; Robert Burchell of Rutgers. Fee: \$65, includes lunch. St. Davids is along Rt. 30 west of Philadelphia, near Radnor. Conference is held at the Radnor Hotel from 8 to 4:30. Call 800-537-3000.

June 14 & 15, Philadelphia, PA: *Linking Land Use and Transportation: Models for ISTEA and Clean Air Act Implementation* sponsored by the Lincoln Institute of Land Policy, the APA and AICP. This is a course that provides 12 CPDP credits to participating AICP members. Course is held at the Holiday Inn Center City. Fee: \$325. Room rate \$85. Call 800-537-3000.

Sept. 30 - Oct. 2, Big Sky, Montana: *Land Trust Alliance National Rally*. Nation's largest gathering of land preservationists. (202) 785-1410.

farmland preservation report

... covering the policies, practices and initiatives that promote farmland and open space retention

Transferable development credits

Community-based transfers could provide new TDR model

SAN LUIS OBISPO, CA — A fresh approach to transferring development potential in San Luis Obispo County, California, could provide a model for localities nationwide seeking to retire development rights without the political trauma of designating common receiving areas.

County officials recently awarded a contract to a local land conservancy to develop a program in which development credits are transferred only within the same community and on a voluntary, project by project basis. An existing transferable development credits (TDC) program in the county will be used as a model.

In the mid-80's, San Luis Obispo officials "downzoned" the gross structural area allowed on lots, creating a market for development credits based on square footage. Since 1987, the Land Conservancy of San Luis Obispo County, with a revolving fund from the California Coastal Conservancy, has been purchasing lots in antiquated subdivisions in the coastal community of Cambria,

with its steep slopes and native Monterey Pine. After the county assigns development credits to the lots, the credits are sold to homebuilders seeking to build larger homes on less sensitive lots within the community.

In the Cambria program, sending and receiving areas are "married." Every transaction is carried out by the Conservancy.

The Conservancy's community-based approach, Belknap said, gives the transfer concept a better chance at political viability because the results are "visible and immediate" to the people affected most by them, and because the public participation is confined to one community, where participants take responsibility for citing both the receiving and sending sites.

The one-year pilot project will produce supportive data for designating receiving and sending sites, as well as criteria and procedures for a long-term program that would be applicable

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New fiscal impact study says be wary of industrial growth

STAUNTON, VA — Industry may be the fiscal strong arm of Virginia's Augusta County, but because new industry also generates increased residential growth, a strained fiscal climate could result unless a balance is determined, according to a study by the Valley Conservation Council, a non-profit group concentrating on planning and land use issues.

Although industrial and commercial uses together contributed the lion's share of the county's gross revenues in 1991, "these uses help attract new residents to the county, and in FY 91 the surplus from [these uses] was not by itself large enough to make up for the deficit created by residential

development, the study said. "Developed land (taking residential, commercial, and industrial land together) still created a net deficit in the county budget for FY 91."

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San Luis Obispo community-based TDC could be a model

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county-wide, Belknap said. Once program mechanisms are in place, the county could draft legislation and implement a program.

"Hopefully by the time we're through [with the project] we will start doing transfers," Belknap said.

The Conservancy's five-year-old TDC program in the Cambria community concentrates transactions in one neighborhood called Lodge Hill, where very small lots occur on two steep hillsides.

The lots, "antiquated" because while legal, they fail to meet current subdivision and environmental standards, are acquired by the Land Conservancy, which then obtains certificates of development credits from the county.

The credits, measured in square feet of gross structural area, are then sold to other lots that are less sensitive. Funds generated when credits are sold are used to acquire additional sensitive lots, which are primarily those with heavy tree coverage or steep slopes.

Since 1987, the Conservancy has purchased 80 lots in Lodge Hill, with the average size lot being 2,800 square feet. The program was initially funded by the California Coastal Conservancy through a revolving fund of \$275,000 to be used by the Conservancy for 10 years.

Belknap said the community based, project-oriented approach can be offered as a way to address a community's particular development issues and problems. Once one project is successfully completed, interest can be more easily generated in other neighborhoods.

"I think it could work on a larger scale, but we don't think there's enough support," Belknap said. The strategy, he said, is to work with one community at a time, if residents show interest. "If we can repeat Cambria two or three times we can branch out," he said.

The community-based TDC approach is new, but the project by project basis is not, according to Betty Weichec, former administrator for the Santa Monica Mountains (Ca.) TDC program.

The genesis of that program was one ad hoc transaction by the California Coastal Commission in 1978, from which the Santa Monica TDC program resulted. Weichec said the San Luis Obispo approach is politically worthwhile and workable, but the market must be monitored.

"It's not that easy to sit down and create swaps.

Land Conservancy of San Luis Obispo County TDC Project: Scope of Work

The project begins with a preliminary survey of potential TDC project areas to serve as a sounding board with a technical committee. The committee will become two subcommittees, one to look at potential sending sites, one to look at potential receiving sites.

Next, an "open nomination process" will allow community groups to identify potential sending or receiving sites within their communities. This will allow new areas to be identified that the process thus far may have missed. This step also will get individuals and community groups involved early. Media attention will be solicited to increase participation.

Next, the project will draft preliminary criteria for identifying receiving and sending areas to determine if proper information has been collected. Early case study material will be tested.

In the phase following, the draft criteria will be used to evaluate the potential of antiquated subdivisions and urban areas to serve as receiving or sending areas. Vacant parcels, topography, services and environmental constraints are among the aspects to be reviewed. Community interest is sought.

Further screening and analysis of receiving and sending areas create a "short list" of potential projects. Final documentation of receiving and sending areas will be produced to support formal designation of projects by the county. Public workshops begin.

Source: Land Conservancy RFP, Aug. 31, 1992

[The program] should not be based on economics, but on the adverse impacts you are mitigating, and the economics will flow from there," Weichec said. "You want to have a lot of data," she said.

The San Luis Obispo approach has come down to the next rung on the political ladder, according to Mindy Jones Gottsegen, author of a recently published transfer of development rights (TDR) handbook for New Jersey municipalities and designer of a TDR program for Chesterfield Township, Burlington County, N.J. The community based approach is politically workable, but it is labor intensive and that can cause problems, she said.

"You don't want to have the whole system rely on having someone walk through it all the time," Gottsegen said. "You should spend a lot of time to set it up properly."

Now with Santa Barbara County planning,

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TDC, from previous page

Gottsegen said that while the Cambria program, which the Conservancy's new project uses as a model, is called successful, "their goals are somewhat modest." But customizing the TDR concept to fit the political climate is an acceptable approach, she said. "How a program is adopted matches what is politically achievable," she said.

"I don't think it's a problem that it's a project by project approach. I do think it's workable if you need to see results."

Gottsegen said, however, she is disappointed "to see them move away from a more comprehensive program from the outset ... they could go ahead and set up the framework and then help the first ones through," she said.

But that is easier said than done, Belknap said. "It's just a judgement call, but this county is just not ready to go countywide." Belknap agreed the approach is labor intensive, but said using a project by project strategy will produce documentation that will facilitate future projects, and perhaps, a program that could be applicable countywide, which is, Belknap said, the ultimate goal.

Meanwhile, rural areas are "incredibly conservative," while urban area residents "want to preserve everything ...," he said.

The Land Conservancy held a conference last month that attracted 250 professionals and local residents, including a number of farmers, who seem to be the group that may provide the most support to the TDC program, Belknap said.

Denis Canavan, with the Montgomery County, Maryland TDR program, a keynote speaker at the conference, said the San Luis Obispo approach could be applicable to the east coast as long as a locality knows what it wants from the process.

"Is it feasible? Sure. The county could be the interim party that purchases, holds and sells [the credits]," Canavan said. "Whether they use the credits or not, the easement is there, if that's their goal ... it's just another form of a TDR program. The question is, how significant a role does the municipality want to play?"

Throughout the process, Belknap said, his overall goal will be to "take all the bugaboos out" of a concept still daunting to the uninitiated. *Contact: Ray Belknap, (805) 544-9096. Read more: Ask for "The Cambria, Lodge Hill Transferable Development Credits Program: A Program Review and Status Report"; Mindy Gottsegen, (805) 685-3324; Betty Weichec, (818) 889-2130.*

etcetera ...

AFT's Grossi calls for major shift in ag policy

Kansas City, Mo. — Agriculture as we know it, with its federal subsidies for commodity support, its contribution to environmental degradation, its continued neglect of the family farm, must be phased out and replaced with a system that shifts commodity support to conservation support, American Farmland Trust president Ralph Grossi told a national forum of conservation professionals last month.

Farmers, agribusiness and government can no longer defend the status quo, while society has been catching on to the realities of modern agriculture, with its "mounting social, environmental and budgetary costs," Grossi said.

Grossi called for "a new generation of direct conservation incentives," that would free farmers to produce for the marketplace rather than for government, he said. Grossi said the incentives would evolve from such programs as the Conservation Reserve Program (CRP) and the Agriculture Conservation Program (ACP) as well as the purchase of development rights.

Grossi said such programs would "gradually replace traditional commodity programs as a source of farm income support."

"The last election was about change and agriculture will not be an exception," he said. The image of agriculture is changing, and not for the better, Grossi said. Increasingly, the public is becoming more aware of agriculture as a major polluter.

The airing on March 30 of a PBS Frontline segment called "In Our Children's Food," produced by Bill Moyers, provided support for Grossi's point. The program focused on chemical residues in food, and the possible health effects on children. It detailed pesticide use and soil degradation, and discussed sustainable agriculture methods, interviewing an orchardist in California who uses no chemicals, and others who are advocating sustainable methods.

The program also pointed up that government spending for sustainable agriculture research is minute compared to other agriculture programs, while the EPA hasn't a clue on the health effects of dozens of chemicals presently in use, whose residues remain in food. *Learn More: The video cassette "In Our Children's Food" is available for \$25 by calling 1-800-824-4PBS. Read More: For a copy of Ralph Grossi's remarks before the Soil and Water Conservation Society, contact Gary Kozel at the AFT, (202) 659-5170.*

Virginia study says farmland protection makes fiscal sense

continued from page 1

When the figures are taken by themselves, the study said, industrial and commercial uses look enticing: just 20 cents provided in services for every dollar they generate in revenue.

Farm and rural land uses, as in other fiscal impact studies, were shown to contribute more dollars to county coffers than they use in services, but did cost more than industrial uses: 80 cents spent for every dollar generated.

The county spent \$1.22 for every dollar generated from residential land uses.

The study was performed as the county prepares to update its comprehensive plan, according to John Hutchinson of the Valley Conservation Council, which conducted the study over the past year through a grant from the state's Center on Rural Development (see *FPR*, March 1992).

The study's goals were to determine current land uses dividing them into four categories; to determine the rate of farm and forestland conversion between 1959 and 1992; and, to assign revenues and expenditures to the four categories. To meet criteria required by the Center on Rural Development, the study used data and methodology that can be duplicated in other Virginia counties.

The Augusta County study differs from other fiscal impact studies in at least one important respect, Hutchinson said. Part of the county's expenditures to serve households, largely schools, was attributed to the farm/forest use category. The purpose, he said, was to better reflect the nature of land use in Augusta, and to guarantee the study would yield a conservative estimate of the deficit created by residential uses, a point of criticism of other studies.

"We're not saying these numbers are exactly right, but we think that overall we've been more than fair. If criticism were to come, it would be that we put too many expenses onto ag and forest uses and didn't claim enough revenue ... if anything, our numbers are low in terms of residential costs," Hutchinson said.

In addition to altering the attribution of service costs, the study customized its definition of agricultural lands to include all rural land not being used for commercial, industrial or residential purposes in 1992, whether or not income was derived from agricultural production — a departure from Census of Agriculture procedure, which the study found

Augusta Co., Va.: Land use costs & revenue

1991	Residential	I/C	Farm use
Gross Revenue	43,201,662 71.95%	10,558,629 17.59%	6,281,484 10.46%
Gross Expenditures	52,825,374 88.11%	2,073,441 3.46%	5,052,221 8.43%
Net deficit/contribution	9.6 million deficit	8.5 million contribution	1.2 million contribution
Average Net Revenue per Acre	-140.76	+378.75	+4.17
Costs per \$1 generated	1.22	.20	.80

Source: Land Use and Community Costs in Augusta County, Virginia

necessary to derive a more accurate accounting of farmland loss in the county between 1987 and 1992. That loss was estimated at eight percent and was added to a 14 percent loss cited by the Census of Agriculture for the period of 1959 to 1987.

Land in farms, using both the Census and the county's real property data from the two separate periods, decreased from 338,281 acres in 1959 to 269,117 acres in 1992, a decrease of 69,164 acres, an approximate 20 percent decline. The county's real property files, which place all county land uses into 32 categories, nine of which relate to ag use, could not be used as historic data, thus the current farmland loss figure was derived using both census and real property data.

And, no method is available to the county to derive a figure that can be said to be reliable, Hutchinson said.

"I don't think there is a one-hundred percent, dead-on mechanism for [determining] the amount of farmland historically ... one thing we're trying to do is to convince the county to do a natural resources survey," Hutchinson said.

Furthermore, such capability is lacking in the state, he said. "Nobody is really counting, for this county or, probably, for the state. Nobody is really tracking these things."

Kat Imhoff, executive director for the (Va.) Commission on Population Growth and Develop-

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Fiscal impact studies: Sources for study

- **Cost of Development: Residential Fiscal Impact Analysis of Wright County, Minnesota**, sponsored by the Minnesota Dept. of Agriculture and conducted by Resource Management Consultants, Inc. Results were used in drafting zoning plans to encourage growth near existing infrastructure and as a guide for farmland preservation planning. *Contact: RMCI, (202) 408-5111.*
- **Impacts of Development on DuPage County Property Taxes**, prepared by the DuPage Co., Illinois, Planning Division, Oct. 1991. Study found that residential tax levies increased during periods of industrial growth, contrary to traditional assumptions. *Contact: DuPage Co. Planning, (708) 682-7230.*
- **Northeastern Illinois Metropolitan Region Strategic Plan for Land Resource Management**, developed by the Northeastern Illinois Planning Commission (NIPC), June 1992. Made 68 recommendations based on the study's conclusion that wasteful land development policies are largely responsible for current fiscal crises in the region. *Contact: NIPC, (312) 454-0400.*
- **The Tax Base and the Tax Bill**, sponsored by the Vermont League of Cities and Towns and the Vermont Natural Resources Council, Sept. 1990, prepared by Ad Hoc Associates. Describes the results of a study that challenged common assumptions about the impact of development on taxes. *Contact: Ad Hoc Associates, (802) 352-9074.*
- **Density-Related Public Costs**, American Farmland Trust, 1986. *Contact: AFT, (202) 659-5170.*
- **How to Do a Cost of Community Services Study**, handbook by the American Farmland Trust, Northeast Office. *Contact: AFT, (413) 586-9330.*

Augusta County, from preceding page

ment, said part of that commission's strategy for developing statewide planning is to establish a statewide geographic information system (GIS) network that could include farmland, although natural resources is not at the top of the list to be inventoried. "We're talking about data layers — infrastructure, 911 applications are higher priorities," in many areas, she said.

The Augusta County study estimated that within the countywide region, which includes the cities of Staunton and Waynesboro, 14,424 acres were converted to residential uses in the 1980s, when the countywide population grew by 14 percent. Between 1960 and 1990, population increased by 63 percent, but the number of new homes grew by 118 percent within the county's borders — excluding Staunton and Waynesboro and before recent annexations, according to the U.S. Census. Hutchinson said measuring farmland loss could be done by showing growth in the number of housing units and figuring the average acreage used, "but it would have to move over time."

The county's comprehensive plan, last updated in 1987, states that the primary goal for agricultural

uses in the county is "to preserve and protect the farmlands within the county so that agricultural enterprise can be continued and production improved in the future."

But that goal has not been taken seriously, Hutchinson said. The county's zoning, not based on density allowances, provides the county's farmland as a catch-all for a plethora of uses, and allows "extensive changes within ag zones that don't require rezoning," Hutchinson said. Up to two lots can be partitioned on any existing parcel, by acquiring a building permit.

"The county almost never denies a rezoning," Hutchinson said. "They've never denied a rezoning because the services weren't in place ... rezonings are not denied to protect agriculture," he said.

Hutchinson said nearly all of the countywide region's growth has occurred in the county, outside of the city boundaries prior to recent annexations. Rural areas are experiencing growth pressure not only from Waynesboro and Staunton, but from Washington, D.C. and West Virginia, as new residents settle in to enjoy Augusta County's peaceful and scenic character and its thriving economy.

The county has also experienced recent industrial growth, including a new Hershey chocolate plant. A new J.C. Penny distribution center, which will employ 2,500 to 3,000 people is being built just across the county line, but, Hutchinson fears, "half the people will live in Augusta County."

The Valley Conservation Council is concerned about a 1000-unit proposal for the county's Blue Ridge area, that will include a hotel complex. The Council, which has not testified on development proposals in its two and a half year existence, may provide comments on this one, Hutchinson said.

"People don't think of this area as one that is growing at an incredible rate," Hutchinson said. The truth is, he said, Augusta County is right behind Northern Virginia in its rate of growth and in its inability and lack of will to control growth. The Council will likely point up weak points in the county's plan and zoning code, and recommend the Board of Supervisors strive to channel new growth to existing urban centers, Hutchinson said.

Augusta County is located along the I-81 corridor at Staunton, where I-81 intersects with I-64 west of Charlottesville. *Contact: Valley Conservation Council at (703) 886-3541. Read More: Ask for "Land Use and Community Costs in Augusta County, Virginia," Feb. 93, 55 pages. Contact: John Hutchinson, (703) 337-8019; Kat Imhoff, (804) 371-4949.*

Easements: Installment purchase method

Two local programs to use installments

BEL AIR, MD — Purchasing farmland easements on an installment basis, a tax-saving technique created in 1988 for Howard County, Maryland, has now been adopted in Chester County, Pennsylvania and in Harford County, Maryland.

Early this month, Harford County adopted its own farmland easement program with the installment purchase agreement (IPA) framework, as well as a one percent real estate transfer tax that will serve as its primary source of funding. Real estate interests urged the County Council to vote against the tax, even after Harford voters signified approval of the tax in a ballot question last November that only addressed the tax in relation to farmland preservation. However, half of the estimated \$4 million annual revenue will be dedicated to school construction.

The installment technique, which provides tax-exempt interest payments to farmers over 20 or 30 years, and then makes a balloon payment of the principal, allows the farmer to defer capital gains tax, and allows the government to settle on a greater number of farms more quickly.

Harford County plans to purchase easements on 1,000 to 1,500 acres per year, and by the end of 20 years, about 18,000 acres, according to agricultural planner Mike Paone.

Daniel P. O'Connell, who devised the IPA method for Howard County when skyrocketing land values put a pall over that county's farmland easement purchases in the late 1980's, said the installment purchase approach to land conservation is gaining interest among public officials not only for farmland preservation, but for wetlands and resource lands protection in the mid-Atlantic and elsewhere.

"The key to installment purchase is to remember its goal is to save capital gains tax," O'Connell said, adding that any land asset that has "a low basis and a big capital gain" could be a candidate for installment purchase. "You can purchase it at better prices with IPA. It can be easements on farmland, wetlands, or to acquire land in fee simple. It's the same thing ... any appreciated asset a government wants to acquire," could be eligible for IPA, he said. Those uses are being discussed in several localities, O'Connell said, but IPA has not been applied to these uses yet.

Using IPA, the gap between what a seller wants and what the buyer wants can be narrowed, O'Connell said. "It is a complicated enough program that you have to be in the right place at the right time," he said.

In Chester County, Pennsylvania, the IPA method was adopted recently and will be funded through general revenues, although officials did look at a hotel tax and a deed tax as possible funding sources. The county has elected to form a separate authority to purchase easements and then to convey them to the county.

legislative briefs ...

In Maryland ... Harford County passed its PDR program as well as a one percent real estate transfer tax — half of the estimated \$4 million annual revenue will be dedicated to the program (see story). The program is the third in the nation set up for installment purchases, following Howard County (Md.) and Chester County, Pa. ... **Baltimore County** will introduce a farmland preservation program bill this month ... **HB1279**, to allow counties to retain ag transfer tax monies for another year passed the House.

In California ... A directive requiring the state Department of Conservation to develop a statewide **LESA** system is being pursued with the goal of "providing objectivity to land use decisions" and a guide for evaluating farmland, according to Erik Vink of the American Farmland Trust's western office. "The first step is to develop something and see where it goes from there," Vink said. The directive is part of the initiative to reform the Cal. Environmental Quality Act ... The **AFT** is working on growth management legislation. (**SB 377**) that would establish a tiering system for wetlands classification, dividing wetlands into four groups from urban to resource lands. An accompanying bond act, (**SB 844**) requiring voter approval, would provide \$2.4 billion in infrastructure funding for development projects only in urban areas, including \$400 million for resource protection. The resource protection monies could be the genesis of a statewide PDR program, according to the AFT, which provided sample legislation ... **Sen. Marian Bergeson**, who as chair of the Local Government Committee has been a major force in growth management initiatives, was recently appointed by Gov. Wilson to fill out an unfinished term of Superintendent of Public Instruction, an elected post, with Senate confirmation scheduled for late May ... the **Planning and Conservation League** (PCL) has filed legislation to create a June 1994 referendum that would

continue to page 7

provide \$70 million for farmland preservation statewide, with \$15 million designated for the Central Valley, the first time farmland preservation funds have been targeted for this major agricultural region, according to AFT's Erik Vink. ... The governor is supporting the establishment of a **Delta Protection Commission** to oversee preparation of a management plan for the San Joaquin Delta and Sacramento River watershed, which together drain two-thirds of the state's land area. A plan should be adopted by the end of 1994, said Bob Cervantes of the Governor's Office of Planning and Research.

In Washington ... Rural zoning proposed in Thurston County includes a farmland preservation element that would designate long-term commercial agricultural areas and possibly create zoning densities at 1-20 or 1-40, according to Harold Robertson, executive director for the Thurston Regional Planning Council. The county's general agricultural zoning density would be set at 1 to 5 acres, an improvement over the county's former 1 to 1 agricultural density allowance. "This gives us a chance to protect water," Robertson said.

Thurston County includes the city of Olympia, and has 175,000 people. **In Pennsylvania ...** Last session's SB1422 was reintroduced this session as **SB 486**, a bill that would exempt easements from realty transfer taxes, is in the Senate Finance Committee ... Last session's SB1072 is now **SB 492**, and would establish a sustainable agriculture program within the state department of agriculture. The bill is in the Senate Agriculture and Rural Affairs Committee ... A new initiative to encourage **redevelopment of urban industrial sites** was announced by the Senate environmental and economic development committees.

Clinton administration: Interior Secretary Bruce Babbitt last month put land use planning and development design on view as a fresh approach to implementing the Endangered Species Act, while listing as "threatened" the California gnatcatcher. **Clinton budget bill:** see last month's legislative briefs for listing of proposals affecting agriculture and conservation.

Installment purchase, from preceding page

Ray Pickering, administrator for the Chester program, said the county will move toward implementation this year. "We think this program holds great potential for our efforts at ag land preservation," Pickering said.

In Howard County, where easement purchase has been on hold since early last year, a new formula for determining easement value has been established, with a top purchase price of \$6,600 an acre, and the expected lowest price at about \$2000 per acre, according to planning director Joseph Rutter. The county has renewed its goal to preserve 30,000 acres, and has preserved, so far, 18,000, Rutter said.

Last year, Howard's new zoning ordinance created a mandatory cluster provision and a density exchange option, a sort of localized transfer of development rights. A technical staff report claimed these measures would help preserve farmland.

The cluster zoning requires all development in designated rural conservation districts to use clustering at one unit per five net acres, with minimum lot sizes for individual well and septic at one acre and smaller lot sizes for shared septic systems. The density exchange option is an overlay zone that permits one unit per three net acres in a clustered design. Sending parcels must be at least 50 acres, and base density for receiving parcels is one dwelling unit for five gross acres. However, additional development rights can be received up to one unit per two gross acres.

"We're hoping the cluster zoning and the density exchange will net another 10,000 acres," for the easement program, Rutter said. The program will process applications that have been on file since the program ground to a halt under criticism of the price per acre for small farms during difficult budget times.

"The most criticism we had was that 20-acre parcels were getting \$6000 an acre," Rutter said. The new formula will provide a higher score for larger farms, and will allow the county to be more selective now that market dynamics have changed.

While the Howard County installment purchase program has a new lease on life, the Harford County program, in its infancy, will be the first local program to test the popularity of tax-free interest payments against a full cash option provided by a last minute amendment to the program bill. The amendment will allow farmers to request full payment at easement sale. If funds are not available, or, if the county wants to stretch its purchasing power among a larger number of installment purchase applicants, full payment to that applicant can be denied. However, the denial is only a deferral: the applicant must be automatically placed at the top of the offers list for the following cycle, and would have to be offered cash. Paone believes, however, the great majority of applicants will opt for the installment purchase method.

The Harford program may be making offers by the end of the year, Paone said. *Contact: Mike Paone, (410) 638-3103; Pat O'Connell, (609) 361-9052; Joe Rutter, (410) 313-2350.*

APA National Conference

FPR publisher leads session on farmland protection in Illinois

Farmland Preservation Report publisher Deborah Bowers will moderate the American Planning Association conference session, "Protecting Farmland in Northeastern Illinois," at the association's national conference in Chicago, May 1-5. The panel will be presented on Monday, May 3, from 10:40 to noon.

Sponsored by the Small Town and Rural (STaR) Planning Division, the panel discussion will start off with a focus on the root causes of farmland loss as perceived by Chicago area journalist Robert Heuer, who has covered the issue extensively. The panel will also include Will County planning director Jim Shelby and Northeastern Illinois Planning Commission Senior Advisor Larry Christmas. Jean Coleman, of the American Farmland Trust Midwest office, will provide a slide presentation on farmland loss and AFT's efforts in the region.

All panelists will provide tips on how planners can address the issue and initiate a response at the local level.

Bowers initiated the session at last year's Washington, D.C. STaR Division meeting.

"I wanted the division to promote farmland preservation as an issue, and to attract Chicago area officials and planners," she said.

Also, rapid loss of "nationally significant, prime farmland in northeastern Illinois is of urgent importance," Bowers said. *Contact: Deborah Bowers, (410) 692-2708.*

resources ...

Conferences

May 25-28, Louisville, KY: *State Strategies for Sustainable Development.* One of Gov. Brereton Jones' goals for his tenure is to direct the state and its localities toward effective land use planning that will protect natural resources and agriculture while assuring a sustainable economy. Both public and private sector initiatives will be discussed. Call (502) 564-2611 for information.

June 4-6, Washington, D.C.: *National Carrying Capacity Issues Conference.* This is the second conference sponsored by the Carrying Capacity Network, an organization that focuses on population stabilization and immigration issues, as well as resource conservation and environmental protection. Last year's conference emphasized population growth as the root cause of resource degradation. For info. call 1-800-466-4866.

June 10, St. Davids, PA: *Does Land Conservation Pay? Determining the Fiscal Implications of Preserving Open Land,* sponsored by the Lincoln Institute of Land Policy. Will explore cost of community services or fiscal impact studies that focus on balancing development and protection of land resources. Speakers include AFT's Julia Freedgood; Paul Tischler of Tischler & Associates; Richard Tustian, senior fellow of Lincoln Inst.; Deborah Brighton, Ad Hoc Associates; Robert Burchell of Rutgers. Fee: \$65, includes lunch. St. Davids is along Rt. 30 west of Philadelphia, near Radnor. Conference is held at the Radnor Hotel from 8 to 4:30. Contact Ann Long, 800-537-3000.

June 14 & 15, Philadelphia, PA: *Linking Land Use and Transportation: Models for ISTEIA and Clean Air Act Implementation* sponsored by the Lincoln Institute of Land Policy, the APA and AICP. This is a course that provides 12 CPDP credits to participating AICP members. Course is held at the Holiday Inn Center City. Fee: \$325. Room rate \$85. Call Ann Long, 800-537-3000.

Previously listed:

• **May 1 - 5, Chicago:** *Annual APA National Conference "Agenda for America's Communities."* Sessions to note: Protecting Farmland in Northeastern Illinois; Sustainable Cities; Environmental Equity; State Planning Mandates; Green Cities; Central Cities vs. Suburbia; Small Towns and Rural Planning (an APA policy hearing). Call (312) 955-9100.

May 4, White Haven, Pa.: *Assessing Land Affected by Conservation Easements,* sponsored by the Lincoln Institute of Land Policy, fee \$65. Topics include: Legal Principles of Conservation Easements, Appraisal of Conservation Easements and Valuation of Restricted Land (Appraiser's view and Assessor's view); Guidance from State Law and Regulations; Federal Law Guidance. Contact Ann Long, 1-800-LAND-USE.

May 18 - 19, Hershey, PA: *ISTEA in Rural & Small Urban America,* sponsored by the Northeast Regional Center for Rural Development of Penn State. For information call: (814) 863-4656.

Sept. 30 - Oct. 2, Big Sky, Montana: *Land Trust Alliance National Rally.* Nation's largest gathering of land preservation activists and professionals. For information, call (202) 785-1410.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

North Carolina counties could be in line for future FFA funds

Farmland protection activities could be putting many North Carolina counties in a position to purchase easements with federal aid, when made available, according to conservation professionals working in the state. A number of counties have established voluntary agricultural district programs under state enabling law, and five counties have created or are considering purchase of development rights programs.

When Congress funds the Farms for the Future Act (FFA), at least seven counties in the upper-middle and western part of the state could receive matching funds through the program, because district programs could easily evolve into easement programs. Under the state's 1985 Farmland Preservation Enabling Act, farmers receive certain protections in exchange for committing their land to farming for 10 years.

These programs could be the framework on which local purchase of development rights programs are created, and FFA money could be funneled to, according to Rowan County planner

Marion Lytle, who implements that county's districting program.

"I don't know how exactly that would come about ... but that's what you'd have to believe [ag district programs] would evolve into," Lytle said.

In 1991, the North Carolina legislature agreed to set up a preservation trust fund to qualify for FFA participation, but the fund would be activated only when localities deposit their own funds. The state would then borrow money under the FFA, and those counties that put into the fund would receive matching funds. But, there would be no state operated program.

According to the American Farmland Trust, which was instrumental in the drafting and passage of the state enabling act, the voluntary agricultural district programs could serve as a starting point for easement purchases in the state, but there is no necessary link between the district programs and purchasing easements under FFA.

Rowan County, along the I-85 corridor be-

please turn to page 2

AFT survey: Farmers support conservation compliance

WASHINGTON, D.C. — More than 70 percent of a nationwide sample of farmers operating with conservation plans required under the 1985 farm bill, believe the plans will either increase their earnings, or, will not affect their earnings, according to a survey recently released by the American Farmland Trust.

The survey findings provide support for conservation compliance policy contained in the 1985 farm bill. Farmers receiving federal farm program payments must carry out the conservation measures agreed upon before 1995, or risk losing their price supports or other federal farm program benefits. The survey confirms earlier findings that a majority of farmers support the policy, and, that

compliance is not a financial burden, as some farm groups have claimed it would be.

The survey also showed that more than half of the respondents with plans (52.6%) said that most

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North Carolina counties forming districts to protect farmland

continued from page 1

tween Winston-Salem and Charlotte, passed its district ordinance in July 1990, and has more than 4,000 acres under agreement or near approval.

Rowan requires a minimum of 200 acres to form a district, but farms with 20 acres or more can join onto an existing district located within one mile. Under the state law, the agreement between county and farmer prohibits nonfarm use or development for at least 10 years, except for the creation of not more than three lots.

But that protection has no teeth, Lytle said, because farmers can get out of the agreement through written request to the county, an out provided by the legislature. "It was watered down a lot from the original draft," Lytle said.

Rowan County, now with a population of over 110,000, grew by 11 percent from 1980 to 1990. Yet, the county's largest town, Salisbury, grew by only 500 people, according to Lytle, and the county is facing increasing development pressure from Charlotte, he said. In a county with no zoning, the 40,000 to 50,000 acres of farmland estimated to qualify for district status in Rowan is in jeopardy, Lytle said.

Lytle, who organized a statewide conference on farmland protection in Rowan County last year, said he would like to see the state initiate a study that would recommend a statewide strategy for resource land protection.

About 100 miles west of Rowan, Buncombe County, which includes Asheville, may

N.C. counties with farmland protection programs*

County & Population	Program(s)	Status	Contacts
Buncombe 174,821	Ag District Nov. 89	7000 acres enrolled	Jim Coman, (704) 255-5777 Zoning Administrator
Clay 7,155	Ag District March 93	expect activity by summer	Clay Logan, (704) 389-9764 Agricultural Extension
Forsyth 265,878	Ag District PDR	Drafting ordinance 1,303 acres preserved. No current funds.	Mike Bowman, (919) 631-5181 Soil & Water Conservation District
Mecklenburg 511,433	PDR	Funding, but no program adopted	Jan Hoffman, (704) 344-6265 Soil & Water Conservation District
Avery 14,867	Ag District May 92	2,400 acres enrolled about 500 pending	Mike Pitman, (704) 733-8272 Agricultural Extension
Henderson 69,285	Ag District Aug. 92	6000+ acres enrolled	Bob Cathy, (704) 693-1629 Soil & Water Cons. District
Rowan 110,605	Ag District July 1990	4,439 acres enrolled	Marlon Lytle, (704) 638-3101 Planning Department
Orange 93,851	Ag District Aug. 91 PDR, TDR	1,200 acres enrolled /pending Under study	Marvin Collins, (919) 732-8181 Planning Department
Wake 423,380	PDR	No funding	Rick Bailey, (919) 250-1056 Soil & Water Cons. District
Durham 181,835	PDR	Proposed	Lowell Siler, (919) 560-0705 Assistant County Attorney

*From interviews with selected counties, Feb. 1993. Not meant to be inclusive.

N.C. ag district program at a glance

Purpose: "... to increase identity and pride in the agricultural community and its way of life and to increase protection from nuisance suits and other negative impacts on properly managed farms." **Enacted:** 1985

Qualifying farmland: Under present-use value taxation (which requires soil conservation management plan under state law); enter 10-year agreement prohibiting nonfarm use beyond three allowed lots. Farmer may revoke agreement in writing at any time.

Administration: Agricultural advisory boards. Professional staffing varies.

Protections under the act: Nuisance suits; no condemnation without public hearing; water and sewer assessments may be waived.

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North Carolina, from previous page

have the most protective district provision. State agencies seeking imminent domain within an agricultural district must hold a public hearing and prove the district is the best location for a proposed facility. The state enabling act allows such clauses to require public hearings on local government condemnation proceedings as well, but Buncombe County officials, concerned about citing a landfill, deleted that part of the clause, according to Alan Lang, of the state Division of Community Assistance, which provides technical planning assistance to the state's 19 western counties, and assisted in the Buncombe County ordinance.

Since establishing its program in November 1989, Buncombe County has signed up more than 7,000 acres, with a 100-acre minimum, according to zoning administrator Jim Coman. Coman says the Blue Ridge-area county, which backs up to the highest point in the state, is experiencing development pressure from Atlanta, nearly four hours away.

Adjacent Henderson County and nearby Avery County, also have established districting programs, and Clay County, in the state's far western corner, passed its district ordinance March 1.

Forsyth County, which includes the city of Winston-Salem, is drafting a district ordinance that may help sustain interest in the county's currently unfunded PDR program. Established in 1987, the PDR program has preserved just over 1,000 acres, with another 4,000 acres in pending applications. The county program has been stymied by lack of funding since 1989. Wake County, which includes the Raleigh area, also has a PDR program, but it has not yet been funded. Durham County, next door, will be considering a PDR draft ordinance based on the Wake and Forsyth ordinances this spring, and Orange County is drafting a PDR ordinance, which will be completed in two to three months (see accompanying story).

While Forsyth and Wake Counties have programs but no funds, Mecklenburg County has funds but no program, a situation not sitting well with the county Soil and Water Conservation District. With a \$10 million bond issue approved since 1986, the District expected to be purchasing easements before now, according to a spokesperson. Mecklenburg County includes the city of Charlotte.

Agricultural district programs and PDR are among

North Carolina

Orange County explores farmland protection

Hillsborough, N.C.—Orange County, which includes the university town of Chapel Hill, established an agricultural district program in 1991 and has so far enrolled about 700 acres with an additional 850 pending, according to Marvin Collins of the county planning department.

The department has also been working on a purchase of development rights program, using the Land Evaluation and Site Assessment (LESA) system as well as GIS to identify priority areas. Collins said the proposal will be up for final consideration and adoption in two to three months.

County commissioners have discussed a bond referendum, Collins said. Some feel an initiative would pass because of the county's demographics, with most of the population in the Chapel Hill area. "Rural people may be against it, but if we take the proposal forward, it would probably pass because of the urban vote," Collins said.

In addition to PDR, the county is looking at transfer of development rights to work in conjunction with economic development districts that would be located at selected I-85 interchanges. As envisioned, "the districts will draw development rights from rural areas," Collins said.

Exploring TDR has been a challenge, Collins said. "We've gotten far enough to know there's a big market question. Some think it would work on a regional basis."

Identifying receiving areas is politically hot, Collins said, "so economic development districts could be more workable. We would direct development to certain interchanges." The plan would protect the county's scenic, forested interstate corridor, Collins said.

Collins is also exploring whether tax districts under state law can be created to support a farmland preservation program. "We'll see if there is any latitude for farmland preservation, and if not, suggest we go to the General Assembly and get a special act to create open space districts." Collins said a Chapel Hill area community has expressed an interest in creating an open space district.

Orange County could be in a good position to preserve a critical mass of farmland, according to Alan Lang of the state Division of Community Assistance. The northern part of the county is still very rural, while most of the population is concentrated in Chapel Hill, he said.

Contact: Collins, (919) 732-8181.

Fiscal impact analysis**Study explores link between growth and taxes, tax base**

SALISBURY, VT— A study underway in New England could go a long way in demonstrating the fiscal benefits of retaining open land within a locality, according to Deborah Brighton, a consultant and fiscal analyst with Ad Hoc Associates of Salisbury, Vermont.

The firm has been retained to study the relationship between growth and taxes throughout the large, contiguous, forested tracts spanning the upper New England states. The study was initiated by the Northern Forest Lands Council, comprised of representatives appointed by the governors of New York, Vermont, New Hampshire and Maine.

The study will analyze the costs and benefits of current use taxation on forest lands, and the relationship between tax burden and the amount of forest land in a given locality, according to Ad Hoc Associates' Jim Northup.

"We've seen a correlation [showing] the higher the population, the higher the tax burden. So we're looking to see if more forest land in the town means a lower tax burden," Northup said.

The firm completed a study in 1990 that threw a wrench into the fiscal planning of Vermont towns: the study showed that higher populations meant higher tax bills. Further, the study showed conclusively, according to Northup, that the larger the tax base — including the addition of commercial and industrial uses — the higher the tax burden.

"We found that the higher the population in a town, the higher the tax bill per household. A lower tax burden results from lower population and [less] development," Northup said.

While academicians have "torn apart" other fiscal impact studies for a theoretical or hypothetical bent, "there's nothing they can do to my numbers," said Deborah Brighton. "They're complete."

Brighton said, however, that officials are probably correct in seeking a balance between residential and commercial growth, but added, "balance is a new term ... you need just the right amount, but you never know what is just enough." Land resources have been sacrificed unnecessarily because officials have been "operating on the premise that we just need more," Brighton said.

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etcetera ...

AFT board member named Ag Deputy Secretary
Washington, D.C. — Richard E. Rominger, a northern California farmer and vice chairman of the American Farmland Trust Board of Directors, was appointed by President Clinton to serve as Deputy Secretary of the Department of Agriculture.

Rominger and his family run a 6,000-acre farm near Winters, Ca., raising alfalfa, beans, and other crops. From 1977 to 1982 he served as director of the California Department of Food and Agriculture.

Rominger's "commitment to the protection of America's farmland and the principle of sustainability will be valuable assets to Secretary Espy," said AFT president Ralph Grossi.

Grossi also applauded the appointment of James Lyons as assistant secretary for natural resources and the environment, the department's top environmental post. Lyons was an aide to the House Agriculture Committee and was agricultural adviser to Office of Management and Budget Director Leon Panetta when Panetta served in the House.

Lyons "is very sympathetic to conservation issues and will have a good relationship with Panetta," whose support for conservation at OMB will be critical for conservation and farmland protection programs, Grossi said.

Wisconsin approaches statewide planning

Madison, Wis. — Wisconsin can no longer afford unplanned development, and must develop a statewide land use planning policy, new Wisconsin Secretary for Natural Resources George Meyer told the state legislature early this month.

Meyer, a career professional appointed to his post from within the agency effective Feb. 1, told members of the Assembly Natural Resources Committee that he will work with the legislature and special interests to develop a statewide land use management policy that will address the loss of prime farmland and wetlands, new federal air pollution standards under the Clean Air Act, and the deterioration of central cities.

Without a statewide land use policy, Meyer said, eastern Wisconsin will contain as much urban sprawl as New Jersey in the next three decades. Meyer said he didn't think Wisconsin citizens would opt for that.

Meyer's concerns were echoed by Committee Chairman Spencer Black (D-Madison), who said state funding for highways and schools had encouraged people to move to the suburbs. "A lot of this sprawl wouldn't be so attractive if the state wasn't spending all this money to make it so attractive," he said.

A statewide growth management plan already has the support of a manufacturers lobby, according to its spokesperson at the hearing, because industries are beginning to realize that pollution from auto emissions — caused by long distance commuting — may well hamper industry's ability to expand under federal pollution limits.

Community-based TDR could be national model

San Luis Obispo, Ca. — A one-year transfer of development credit (TDC) project in San Luis Obispo County in southern California could provide a new model for using the transfer of development rights (TDR) concept in localities, according to TDR experts.

The new model would be useful to localities interested in TDR, but lacking the political climate or the necessary housing market for designated, common receiving areas.

Under the scheme, transfers are achieved project by project, and are community based, that is, receiving and sending areas are smaller, and close together within a community, and community residents are directly involved in citing the areas. The TDC program is available to all communities, but is voluntary.

The county awarded a one-year contract for the TDC project to the Land Conservancy of San Luis Obispo County, with the objective of retiring the development potential on thousands of antiquated subdivision lots, many of them on heavily forested, steep slopes along the coastline.

The project uses as its model a five-year-old county-authorized program in the coastal community of Cambria, where development potential has been transferred from 80 environmentally sensitive lots to less sensitive building sites, according to executive director Ray Belknap.

In the Cambria program, development credit is transferred between lots measured in square feet of gross structural area. The Conservancy acquires the lots and obtains certification from the county on number of square feet and development credits. Certification of credit is the only point at which the county government is directly involved.

TDR experts from New Jersey, Maryland and California say the San Luis Obispo model could be applicable to localities seeking decreased densities in sensitive areas, or where large receiving areas cannot be sited. They cautioned, however, that a project-by-project basis and market aspects may make administration difficult. Other concerns addressed involved the potential for litigation.

(FPR will profile the Cambria TDC program and new countywide TDC project in the April issue.) Contact: Ray Belknap, (805) 544-9096.

Tax study, from preceding page

While fiscal impact analysis of most commercial or industrial development in Vermont did show a direct tax benefit to a town, the 1990 study showed that towns with the most taxable commercial and industrial property had, on average, higher taxes.

The study showed several reasons for the higher taxes. First, commercial/industrial development needs municipal services in larger communities often beyond what is foreseen in impact analysis. Second, over time, commercial and industrial property doesn't appreciate as rapidly as residential property or open space.

"Because the value of the commercial development doesn't appreciate as rapidly, its share of the taxes raised diminishes over time," Brighton said in a presentation to the Lincoln Institute last year.

Third, she said, "the main reason that taxes are highest in towns with the most commercial property is that residential growth follows the commercial/industrial growth."

The current use value taxation program in Vermont has come under increasing scrutiny because property tax makes up 80 percent of local revenues, while in other states it makes up 40 percent. Vermont reimburses townships for revenue lost, but during the state's fiscal crisis, the program has had to justify itself. Battling the public perception that farmland was draining local economies, the Vermont Natural Resources Council and the Vermont League of Cities and Towns initiated the 1990 fiscal analysis study.

Brighton said the ultimate aim of the fiscal impact studies should be to foster better planning, with objectives that focus on "real numbers" rather than on false assumptions. Once citizens see the numbers, she said, they begin to think more in terms of what they want their communities to be, not how much revenue they can bring in.

"In the next 10 years, we will have fewer people in the 18 to 30 age category. What we don't need is more starter jobs. The attitude that we need more starter jobs is the push behind shopping malls. The thinking should be, if we need more jobs, who do we need them for?" Brighton said in a recent interview. A community should determine whether it is creating jobs for its own residents or creating jobs that will attract new residents, she said.

The Northern Forest Lands Study should be completed in May, according to Jim Northup.

Contact: Deborah Brighton or Jim Northup, (802) 352-9074.

AFT survey**Farmers say compliance is good policy***continued from page 1*

of their plan had been implemented or would be by the end of 1992. The remainder, 47.4 percent, said their plans would be implemented in 1993 or later. Almost 17 percent, however, said they weren't sure when they would implement the greater part of their plans, or would not directly answer the question.

Conducted through Northern Illinois University and Southern Illinois University by J. Dixon Esseks and Steven E. Kraft, the study interviewed 1,006 producers in 100 counties in 32 states. A total of 88 percent (885 respondents) said they owned, managed or operated land with conservation compliance plans, 75 percent of those with at least 150 acres covered by plans. Half of the 885 respondents had at least 400 acres covered by plans.

Opinions about the financial effects of compliance seemed "conducive to the success of conservation compliance," the survey analysis said, with only 21 percent of the respondents saying they expected to lose money. Thirty-nine percent said they expected no change in their earnings due to compliance, and 33.8 percent said they expected increased earnings.

Of those expecting losses, 35 percent said they anticipated only small losses, and 43 percent said they expected "medium" losses. Fifteen percent said they expected "large" losses from implementation. Analysis showed that respondents who reported implementing most of their plans were less likely to expect monetary losses.

Timing may be the hallmark of this study, conducted just two years away from the deadline for full compliance of conservation plans. A survey by the Soil and Water Conservation Society conducted earlier, in 1990-91, found that about 41 percent of respondents, double that of the AFT survey, anticipated some losses due to compliance. The AFT analysis states that experience in carrying out the plans is likely a chief reason for the change in response.

Of the farmers expecting an increase in earnings, 47.2 percent expected a "medium" increase, and 5.3 percent expected a "large" increase, while 40.1 percent expected only a small increase.

The AFT survey results on the cost question could also differ from the Soil and Water Conservation Society (SWCS) study because the survey sample was much broader, the analysis stated. The SWCS study interviewed farmers in just 15 counties in as many states.

Concerned about the farmers that have not yet implemented the greater part of their plans just two years before the deadline, AFT President Ralph Grossi has asked Agriculture Secretary Mike Espy to establish a public-private task force of producers, USDA officials and conservationists to decide how full compliance should be achieved.

That only little more than half of the farmers had started their plans is of concern to the AFT, Grossi said. "That's a bit of concern when there's only 24 months to go ... the first 50 percent is easier to achieve than the second," Grossi said. "Those who procrastinate or

**legislative
briefs ...**

In North Carolina ... Wake County Commissioners have decided not to include farmland preservation as part of a proposed bond referendum for open space, because protected farmland would not allow public access, as would other open space acquisitions, according to Rick Bailey, of the county's Soil and Water Conservation District. If the county's Open Space Task Force, now preparing a report, advises the county that farmland is an integral part of the county's strategy for preserving open space, then the county may provide general fund monies to the county's already existing PDR program, Bailey said.

In New York ... Gov. Mario Cuomo has proposed that the legislature examine the possibility of using the state income tax as funding for the state's education costs. The move would provide relief for the state's elderly and could potentially provide relief to farmland owners, according to Jerry Cosgrove of the AFT's New York field office.

In Maryland ... HB 1279, introduced Feb. 10, will allow counties to retain their agricultural transfer tax monies for an additional year, until June 1994, rather than return those funds to the state. In **Harford County**, a local easement program is having difficulty getting approval from elected officials concerned the plan allows for too many lot exclusions and does not protect enrolled parcels from the effects of adjacent development. Amendments are being drafted. The proposed funding source, a transfer tax, approved by voters overwhelmingly in Nov., is being attacked by real estate interests.

In Pennsylvania ... All bond funds have now been authorized. The state board reallocated \$13.6 million and allocated the remaining \$19 million of the original \$100 million bond appropriation.

In Wisconsin ... The Department of Agriculture, Trade and Consumer Protection is forming an advisory committee to write policy and clarify

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rules for the state's 14-year-old farmland preservation program, in which farmers receive state income tax credits for land use restriction agreements. The department was authorized by the legislature to write its own rules without legislative consent last Spring.

In Florida ... SB 1166 revises various provisions relating to planning and growth management as proposed by the final ELMS Committee. Provisions include an amendment to add agricultural lands to those for which conservation easements may be granted. The bill will create a new state plan, to be called the Strategic Growth and Development Plan.

In Massachusetts ... A bond act has not yet been introduced for the Agricultural Restriction Program.

Clinton Administration ... The Clinton economic plan calls for reductions in USDA subsidies and operations as well as "stimulus" for certain agriculture and conservation programs.

Among the program proposals for agriculture: consolidate the SCS, ASCS and FmHA into a new **Farm Service Agency (FSA)**. Estimated savings: \$730 million over four years. The administration also proposes to: increase grazing fees on public lands; target CCC subsidy payments to farmers with off-farm incomes below \$100,000; eliminate subsidies to honey producers; increase non-eligible payment acres starting in 1996, raising from 15 percent to 25 percent the percentage of "triple base" acres in the 1995 farm bill; reduce **Economic Research Service (ERS)** programs; eliminate Agricultural Research Service earmarked facilities construction; eliminate Cooperative State Research Service earmarked research grants and facilities construction; phase out **Forest Service** below-cost timber sales.

As part of the stimulus package, a rural development initiative is proposed to include watershed and conservation outlays for the **Soil Conservation Service** and enhanced natural resource protection.

In addition, stimulus outlays have been proposed for: **National Park Service** historic preservation, "green programs" and watershed resource restoration grants under the EPA.

AFT survey, from preceding page

The cost question: what farmers were asked

"Here is a question about the financial effects of applying the conservation practices listed in your compliance plan. Let's say you have been applying those practices a few years and are experienced in using them. After you gain or have that experience, will applying the practices have any effect on the land's earnings after production costs? Will applying the practices decrease earnings after production costs, not really change earnings, or will it increase earnings?"

Text of question. Farmers were interviewed by telephone.

AFT compliance survey: other findings

- More than 80 percent of respondents believed that noncompliance would result in loss of eligibility for USDA benefits, with 41.4 percent believing in a 50-50 chance, and 39.2 percent believing the likelihood was higher.

- About 73 percent believe conservation measures will decrease soil erosion, while 20.6 percent felt no benefit would occur.

- 86.1 percent believed the typical producer in their counties would implement their conservation plans by the Jan. 1995 deadline.

- 72.1 percent said the Soil Conservation Service was the best source of technical assistance for their conservation plans.

- Almost 35 percent of respondents said Congress should not change conservation compliance policy or rules in the 1995 farm bill, but "keep it as it is." Forty-two percent said compliance should remain, but it should be amended. Of those who want amendments, 48.3 percent say compliance should be "a little less strict." About 15 percent said it should be "a little more strict."

have problems with the program are in that 47 percent."

Grossi said the appointment of a task force would show that the Clinton administration is committed to the policy and intends to enforce it. "The appointment of the task force would send a very strong signal to all farmers and ranchers ... that's an important signal for the secretary to send early in this administration," Grossi said. The AFT plans another survey next year, he said.

The survey points up a need for government technical assistance to control soil erosion, Grossi said. It also makes a strong case for shifting available funds to conservation programs, an idea that is gaining acceptance and support in Congress, Grossi said.

That support, along with recent appointments in the Clinton administration, including the appointment of AFT board member Richard Rominger as deputy secretary for agriculture (*see story, page 4*), is creating a charged atmosphere in Washington the AFT hopes results in new commitment for conservation, Grossi said.

"These are all the right things fitting into place," he said.

North Carolina counties work to preserve farmland

continued from page 3

the few tools available to localities for protecting farmland from development. In North Carolina, farm uses are exempt from zoning statutes. And, many townships have no zoning at all. In addition, even if there was money available in state coffers for a state farmland preservation program, one would not likely be created. State legislators are open to assisting programs initiated locally, according to the American Farmland Trust, but the economic and political make-up of the state make a state-operated program unlikely.

"We're still overwhelmingly a rural state," said Rick Bailey of the Wake County Soil and Water Conservation District. "Some counties would love to have some of the development we've got ... as long as there is that kind of disparity, it's going to be real hard to get the state legislature interested [in state PDR]," Bailey said.

resources ...

Publications

- **Opinions of Conservation Compliance Held by Producers Subject To It: Report on a National Survey**
J. Dixon Esseks, Steven E. Kraft
American Farmland Trust 52 pp
This report provides results of interviews with 885 farmers about their conservation plans, due for full implementation by Jan. 1995. Sample farmers were drawn from 100 counties in 32 states representing all regions. The survey took place from Aug. 29 to Nov. 15, 1992. For a copy of the report, call (202) 659-5170.

- **Planning for Transfer of Development Rights: A Handbook for New Jersey Municipalities**
By Amanda Jones Gottsegen, with assistance from Charles J. Gallagher
Burlington County Board of Chosen Freeholders 181 pp., \$15

Burlington County, the home of one of the nation's newest and most meticulously developed TDR programs, has produced what is likely the first comprehensive guide to establishing TDR. The handbook will be valuable in and outside New Jersey. The book outlines the tools and public participation techniques for building a constituency for change, and reviews growth management and farmland preservation tools, presenting an overview of their use to date. One chapter is dedicated to how other farmland preservation techniques differ from TDR. Appendices include guidance on how to prepare buildout maps.

Gottsegen has worked with growth management and farmland preservation issues in New Jersey for 10 years. She was assistant land use coordinator for the Burlington County Land Use Office. She now lives in Santa Barbara, Ca. For copies of the handbook call (609) 265-5787.

- **Transformation of Property Rights in the 'Space Age'**

M. Bernard

Lincoln Institute of Land Policy, \$5

This is a new working paper in the Lincoln Institute series on land policy and property tax policy issues. Papers are article length and produced inexpensively. Send check c/o Lisa Silva, Mktng, Lincoln Inst., 113 Brattle Street, Cambridge, MA 02138-3400.

Conferences

May 4, White Haven, Pa.: *Assessing Land Affected by Conservation Easements*, sponsored by the Lincoln Institute of Land Policy, fee \$65. Topics include: Legal Principles of Conservation Easements, Appraisal of Conservation Easements and Valuation of Restricted Land (Appraiser's view and Assessor's view); Guidance from State Law and Regulations; Federal Law Guidance. Contact Ann Long, Registrar, 1-800-LAND-USE.

Sept. 30 - Oct. 2, Big Sky, Montana: *Land Trust Alliance National Rally.* Nation's largest gathering of land preservation activists and professionals. For information, call (202) 785-1410.

Previously listed:

- **May 1 - 5, Chicago:** *Annual APA National Conference "Agenda for America's Communities."* Sessions to note: Protecting Farmland in Northeastern Illinois; Sustainable Cities; Environmental Equity; State Planning Mandates; Green Cities; Central Cities vs. Suburbia; Small Towns and Rural Planning (an APA policy hearing). Early registration discount for members, \$315 by March 19. Non-members, \$415. Call (312) 955-9100.

May 18 - 19, Hershey, PA: *ISTEA in Rural & Small Urban America*, sponsored by the Northeast Regional Center for Rural Development of Penn State. For information call: (814) 863-4656.

- **Various locations and dates, ISTE Know-How:**

Regional conferences on how to reap the benefits of ISTE sponsored by a coalition of groups including the National Trust for Historic Preservation and the Surface Transportation Policy Project are scheduled through spring. Following is a partial list of cities and dates. Call Kelly Sinclair at the National Trust for additional information.

- San Francisco, April 2-3;
- Atlanta, April 23-24;
- Orlando, April 30- May 1

- **April 8: White Plains, N.Y.:** *Reforming New York's Land Use Law: Developing a Balance Approach for the 21st Century*, sponsored by the Government Law Center of Albany Law School. A second conference on April 13 in Albany. Programs will examine a system of statewide comprehensive land use planning for New York, regional land use planning, options for coordination, consistency and concurrency in land use planning and controls, etc. Contact Barbara Mabel at (518) 445-2327.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Long in limbo, Maryland program gets jump start with loan

ANNAPOLIS, MD - While Maryland's farmland easement program can still claim to be the most successful in the nation in terms of acreage preserved, it has not purchased an easement since early 1990, and is still reeling from the state's budget crisis of 1991, when \$17 million in program funding was transferred to the state's general fund. In 1992, another \$4.9 million was removed.

But the program's malaise is about to end, according to Paul Scheidt, executive director for the Maryland Agricultural Lands Preservation Foundation. The Foundation has obtained a \$5 million advance loan based on anticipated bond sale approved by last year's legislature but not yet held by the state Board of Public Works. Scheidt said offers are about to be made on 35 farms, encompassing 4,353 acres, distributed throughout the state. The offers are being made to applicants carried over from fiscal 1991.

"This is very exciting. This will get things moving again," Scheidt said.

To cut costs as the program continues, the

foundation has asked counties to limit the number of easement applicants accepted to one-third of those received, or a minimum of two, Scheidt said. Ranking farms in priority order, Scheidt said, will save on the cost of appraising more farms than the Foundation's easement budget will be able to afford.

While farmland preservation continues to have strong support in the legislature, over the last two years farmers have lost faith in the ability of the program to garner funding now that cut-backs in state spending have become the norm, some local administrators say. Many farmers regard easement purchase a luxury the state can no longer afford, and that attitude is manifest in the number of applications received in some counties, administrators say.

"The credibility of the program is certainly slipping," said Bill Powel, program director for Carroll County, which has preserved more acres than any other county under the state program.

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California growth plan strategy: reinvent planning process

SACRAMENTO, CA — Gov. Pete Wilson's Growth Management Council, created in January 1991, released its long awaited plan for guiding the state's growth, with an 86-page report charged with both optimism and stark reality regarding the state's dismal record in managing its growth.

The plan reads as a manifesto, calling on the state to reinvent its government, to recognize strength in its diversity, to understand that environmental quality fosters economic growth. The plan rejects the term "growth management," preferring "strategic growth," a concept the report says goes beyond piecemeal problem-solving and beyond the context of land use.

The report calls for state planning of a different order, rejecting formation of a new agency or layer of bureaucracy and calling for a process that will bring together the many state planning

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Assessments differ on future of Maryland easement program

continued from page 1

Powel said the number of applications for easement sale has dropped by half since 1991 because "people knew they would have to underbid."

Powel feels many farms in Carroll County will drop out of district status in 1994 and 1995. "We will see lots go in on some of these farms," Powel said. The county recorded no new districts in fiscal year 1992, and has recorded only a few since. Because Carroll offers no tax abatement or other incentives for district status, "people felt, why bother ... the only benefit to form a district is to sell an easement," Powel said. "The bottom line is, all county program administrators recognize that counties will have to do more. We're going to have to pick up the slack."

To do that, Carroll County last year initiated its Critical Farms Program, which pays 75 percent of an easement through county funds for farms in imminent danger of conversion. Under this program, the county has settled on two farms, with two more close to completion, according to Powel. The county plans to hold easements until the state can take them over, and the county is reimbursed. If that doesn't happen in five or six years, the county would make the easements permanent under what would in effect become a local easement program.

Jeremy Criss, program administrator for Montgomery County, which also has its own program, questions the future of the state program. "Maybe the state can't afford farmland preservation," Criss said. "The real question is, does the state want to continue [with the program]?"

That may depend on how you define "the state" according to Paul Scheidt, who says elected officials are still "very supportive of the program and want [it] to continue." Last year, the legislature did vote to appropriate \$5 million in bond funds to the program.

Last fall, Scheidt told local administrators that the state Board of Public Works, on the other hand, could not be counted on as supportive of the program, in particular that the state treasurer needed to be convinced that easement purchase was a good use of bond money. Since the sale of bonds is controlled by the Board, the future of the program could indeed be in its hands.

But "the state" could also be defined as the people the program serves. Scheidt says the 232

applications the Foundation now holds shows that farmers are still interested in the program despite budget problems.

"It's a great program, it can work," Scheidt said. "Although we don't have funds this year, it will come around again. It's a nationally known program," he said.

Meanwhile, some counties are about to lose the funding they have held while unable to make easement offers. "Many counties aren't in a position to administer their own programs ... a lot of counties may have to remit their funds to the state," said Jeremy Criss. Criss said legislation should be introduced to extend the three-year limit another year, as was done in 1991.

"It makes good sense to me there should be such a move," said Joe Tassone, of the state planning office, who serves on the Foundation board of trustees. Tassone said, however, he is not aware of any such initiative on the Foundation's agenda.

Assuming the state program does pick up, some administrators say its new formula for determining easement value could result in too much being paid for easements, and a quicker than necessary depletion of funds, according to Montgomery County's Jeremy Criss.

Criss said a group of the state's most active administrators ran tests with the new formula and believe easement values may come out too high under its use. Under the formula, the highest agricultural value found in the tests was just \$1000 per acre, Criss said.

To determine easement value, agricultural value is subtracted from fair market value. Thus, the lower the agricultural value, the higher the easement value.

The Foundation adopted the new method in 1990 to measure more accurately, according to Paul Scheidt, the value of farmland as it relates to soil productivity, rather than to comparable sales. But since no easements have been bought since establishing the formula, it has not been "field tested."

The new formula assumes that the capitalized value of cash rent paid for land indicates its true agricultural value. The relationship between productivity (what the farmer expects from the particular acreage) and what he pays in rent is expected to

please continue to next page

Maryland, from previous page

serve as a measure of rental value as well as agricultural value.

Evaluating FY 1990 easement offers, the Foundation found that when applying the new formula, the average agricultural value per acre would have decreased on nearly all sample properties. Overall, the new formula produced an average agricultural value that was 34.7 percent lower than that determined through appraisals. Using the formula, the easement values would have increased by 24.4 percent. But because of its use of competitive bidding, the Foundation estimated it would have paid out an increase of only 5.4 percent.

According to Scheidt, the objective of the new formula was to "get a better evaluation of agricultural value — the true value, what it's worth as a farm. The end result was a higher easement value." Scheidt said the problem in the appraisal process was that "fair market value was consistent, but agricultural value was always off." He added that some adjustments in the formula may be needed.

How well the formula works may depend on which county is using it, according to Harford County program administrator Mike Paone. Testing the formula in Harford, Paone found that average agricultural values "came out to just below \$700 an acre." However, Paone said, "some counties tend to have over-inflated fair market values. We have a relatively conservative fair market value. It sets up an easement value that's close to where it should be." Paone said the new formula "is a step in the right direction."

The lack of steady state funds is hurting most in counties where development pressure remains fairly high, administrators say. As the program falters, a locality's zoning comes into play as either a saving grace or a certainty of conversion.

Frederick County has moved to shore up the state program by purchasing its own easements — three so far — and by considering starting its own program, following several other counties. But most importantly in this time of budget constraint, said program administrator Tim Blaser, is the county's "tight ag zone" the county adopted in the 1970's. The zone allows three lots off an original tract, and an extra lot for every 50 additional acres if opting for cluster design.

Other counties are not faring as well with less restrictive agricultural zoning. Harford County adopted, also in the 1970's, zoning that allows one

Maryland program: Vital statistics

- Acres under easement: 98,504
- Acres in district status: 247,233
- Last easements purchased: FY 1990
- Current funds: \$10 million, plus \$5 million loan
- Program status: about to make 35 offers
- Average preserved farm size: 148 acres
- Average per acre easement value using appraisals (thru FY90): \$1105
- Average per acre acquisition cost: \$986
- Geographic area with most acreage preserved: Central, 41.1%

The counties: Building local programs

In 1990, the state created a system to certify local agricultural land preservation programs. With certification, a county can retain 75 percent of the agricultural transfer tax it collects, rather than the normal 33.3 percent.

Eight counties — Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, and recently, Washington County — have been certified, although not all have their programs in effect yet. Harford County's proposed program is now before its county council; Baltimore County is in the process of drafting legislation to create its program; Frederick County has purchased a few easements on its own, but is still exploring options for creating a program.

The Howard County program, the first in the nation to use installment purchase agreements, has had its program on hold since March 1992, but has all its funding — \$14 million — intact. The program, which could start up again this summer according to a planning department spokesperson, proposes to decrease from 100 to 50 the number of acres required for a stand-alone easement parcel, and to increase the number of acres needed for lot exclusions.

building right per 10 acres, a density experts agree cannot protect agriculture. In addition, liberal family conveyance rights increased by about 50 percent the number of homes that could be built by right in the agricultural zone.

Under this zoning, the county has lost 8,000 acres of prime farmland since 1985. While the county has been able to place 5,000 acres under easement, the lull in the state program during the budget crisis has caused lost opportunities on another 5,000 acres, according to Mike Paone.

Contact: Paul Scheidt, (410) 841-5860; Jeremy Criss, (301) 217-2345; Bill Powel, (410) 857-2131; Tim Blaser, (301) 694-2513; Mike Paone, (410) 638-3103.

California plan falls short in protecting ag land, says AFT

continued from page 1

policies already in existence (an inventory found more than 40 existing state plans). It calls for creating an Integrated State Plan, with resources protection and conservation as one part. The plan calls for local plan consistency with state plan guidelines, and consistency with all relevant state policies and statutes including farmland protection.

Calling for a strategic growth plan that will allow the state to be proactive and able to prevent another economic crisis, the plan urges "a new commitment to effective housing, transportation, and land use patterns."

The plan states explicitly that housing choice made by Californians is largely the cause of high-cost sprawl patterns of development. The issue of housing is "the most politically contentious in the growth management puzzle, but it is also the piece without which no others will fit," the report states.

"If the state wishes to preserve mobility, open space and a viable agricultural industry, clean air and environmental quality, and an economy that works, it cannot continue to support traditional, low-density land use patterns based on large, single family detached dwellings, nor a transportation system based overwhelmingly on single-occupancy vehicle usage. It must promote alternatives."

The report acknowledges that to influence change in consumer housing preference would be a political shell game, but dares to state an approach, although vague, to addressing the issue. The state should act "to assert the statewide interest where one legitimately exists," and provide mechanisms "to temper local decisions" that spill over jurisdictional lines. These ideas are "a matter of assigning responsibility for decision-making," the report says.

The plan states that land use decisions must be made at the local level, but that the state will provide guidelines, model ordinances and other assistance, and that state infrastructure funding or loans, special district taxing authority, and even additional water transfers can be conditioned on consistency with the Integrated State Plan.

While the plan boldly cites the causes of uncontrolled growth and urges the state to start anew, its recommendations for preserving farmland are not bold, according to Erik Vink of the American

etcetera ...

Rhode Island township to consider PDR

Portsmouth, R.I. — In an effort to save its remaining farmland, now less than 3,000 acres in its 11,000-acre area, the town of Portsmouth will likely consider creating a purchase of development rights program this year, according to town planner Bob Gilstein.

The program, which could be operated using the installment method, could be funded through a 15-cent increase on property taxes, or, through a real estate transfer tax, Gilstein said. A survey of township residents in 1990 showed support for a tax increase for open space protection. The tax would generate about \$150,000 annually, Gilstein said. *Contact: Gilstein, (401) 683-0888.*

Study urges land use plan for Maryland

Baltimore, Md. — A study group formed by the Institute of Policy Studies at Johns Hopkins University in Baltimore has released a report recommending stronger and renewed cooperation, through a regional framework, to curb degradation caused by nonpoint source water pollution.

The Environmental Working Group, consisting of business, government and environmental leaders, says it will ultimately identify "concrete action steps" to implement its recommendations.

The report recommends the state adopt a strategy "for managing land use and growth that encourages urban redevelopment and new development in areas where infrastructure exists, while protecting open spaces and environmentally sensitive areas." The report points up that such a strategy will aid in lowering ground-level ozone levels, as well as reducing nonpoint source pollution, the two environmental problems the group focused on.

Among the specific points advised in the report, is the establishment of a stormwater utility fee to provide funding for stormwater management and stream restoration. The report also suggests the use of government-monitored, private sector septic system installation and maintenance for small communities facing the advent of public sewer and the growth it attracts. *Read More: For a copy of "From Unity to Diversity: A Public-Private Partnership for Environmental Action in the Baltimore Region," call (410) 516-8665.*

Installment method alive, debated

While Harford County, Maryland officials debate the claim of fiscal benefits in using installment purchase for PDR, Chester County, Pennsylvania has forged ahead with an installment purchase plan, and will begin to purchase easements this spring, according to Raymond Pickering, executive director for the county program.

Using an internal point ranking system along with appraisals, and a competitive bidding system like Maryland's, Pickering said his board is "not afraid to make offers well less than 100 percent of the appraised value."

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The county still needs to find out whether state law will prevent it from using bond funds to make the interest payments. The county has hired consultants to work with the state on the issue. To fund the program, Chester County officials have discussed levying a hotel tax or deed tax. *Contact: Pickering, (215) 344-6285.*

Rutgers farmland study finalizes data

New Brunswick, N.J. — With data collection complete, a study on farmland preservation in the northeast is moving toward a mid-1993 release, according to Max J. Pfeffer, assistant professor in the Department of Human Ecology at Rutgers University.

The study, initiated last spring, has explored farmland preservation programs in metropolitan service areas from Maryland to Maine, looking at the social, economic and political conditions that favor sustainable farming economies. The focus of the research is to see how planners work with agriculture as a land use and as an industry.

"We've been looking at how planners assess public and farmer support for PDR," Pfeffer said. The study will also look at how planners envision the future of agriculture, whether it varies by state or metro area, and the characteristics of the planners involved.

The study was funded by the Northeastern Center for Rural Development at Pennsylvania State University. *Contact: Pfeffer, (908) 932-9168.*

Another Proposition 70 for California?

Sacramento, Ca. — The California Planning and Conservation League (PCL) has begun developing the language for a bond initiative that would put millions into park and open space acquisition, including farmland protection, according to PCL's Jill Shirley. The group will be testing the political waters before deciding whether to push for the initiative next year, she said.

"We put out an RFP for project proposals for a 1994 initiative and received over 1,000 projects from around the state," Shirley said. "Now we develop the language for the initiative, have county and regional meetings to determine which projects to include, try to reach a consensus on the level of funding, then we decide," she said. Project requests totaled \$8.9 billion.

Shirley said the coalition of groups involved in the move will look carefully at polling information to see if 1994 will be a good year for pursuing further funding for land conservation. "It's not the kind of decision we'd make blindly," she said.

Such a bond initiative has not been passed since the landmark Proposition 70, in 1988, when a \$776 million fund was set up for conservation projects, including the Marin Agricultural Land Trust. Proposition 70 funds have nearly all been used.

The Planning and Conservation League is the oldest environmental lobbying group in the state, representing more than 150 member organizations and 9,000 individual members. It has a strong, bipartisan board of directors. *Contact: Shirley, (916) 444-8726.*

California plan, from preceding page

Farmland Trust's western office.

The plan calls for encouraging the viability of agriculture, but cites the conversion of farmland as an inevitable necessity as the state grows. "The goal of state policy should be to prevent conversion patterns which unnecessarily compromise the entire agricultural industry," the plan states.

The plan looks at the state's agricultural industry as a whole, and not as regional or local farming communities, many of which are under imminent threat of decline, according to the AFT. The state has "a huge amount of good farmland to sustain orderly conversion to urban use for generations," without threatening the state's ag economy, the report states.

"That is outright untrue in many communities," said Erik Vink. "We might not have a viable industry in one generation. We strongly disagree [with that assessment] for certain areas of the state."

The plan also calls for consideration of changes in the Williamson Act, including review of the subvention formula that results in sending 40 percent of Williamson Act funds to protect urban agland, which, the report states, "is ultimately doomed to conversion in any event," and makes up just 4.7 percent of the acreage covered by the Act.

An Agricultural Lands Task Force with broad membership reached that conclusion as well, according to Ken Trott of the state Office of Land Conservation. While strongly supporting the Williamson Act, Trott said, the task force "feels the differential for urban prime is difficult to justify in view of budget cuts, that it's going to be developed is a foregone conclusion ... the question is whether to eliminate the category." Trott said his department has received approval to make some amendments to the Act.

The Council's proposals "will take several years for the specifics to shake out," Trott said. Among the larger questions are how localities will pay for efforts to reach consistency with state performance standards. But the Council's plan is timely and needed, according to Trott.

"It is about time we have some state land use policies that require vertical and horizontal consistency."

Contact: Erik Vink: (916) 753-1073. Ken Trott, (916) 324-0860. Read More: For a copy of Strategic Growth: Taking Charge of the Future, call (916) 322-2318.

Pa. Supreme Court rejects appeal**Notification rule is law in Pennsylvania**

HARRISBURG, PA — The Pennsylvania Supreme Court has refused to hear a case filed last year in which a landowner adjacent to a property with pending easement was ruled by the Commonwealth Court to have a right to a hearing. The Supreme Court's rejection of the appeal from the state's Agricultural Land Preservation Board, means notification of adjacent landowners regarding pending easements is now the law in Pennsylvania. It is the first and only state in which such a procedure is required.

Since the ruling from the Commonwealth Court a year ago, county administrators have been notifying adjacent landowners by certified mail or in local newspapers, so far receiving no objections to pending easements. "It's more of a problem for the counties than for us," said Fred Wertz, executive director for the Board. Wertz said his office has provided a model letter counties can use in notifying adjacent landowners.

Besides the expense of certified mail, for which counties are reimbursed, Wertz said the notification requirement may make it difficult for "applicants that come down to the wire for lead time" when going before the board. In some cases that could mean a certified mail recipient could have just one day to respond, Wertz said.

The Lenzi case was filed last January (*see FPR, Feb. 92*) when Richard V. Lenzi of Berks County petitioned the Commonwealth Court of Pennsylvania for a ruling on whether the Agricultural Land Preservation Board should have allowed him to object to the easement. The Board said Lenzi had no standing, but the court ruled that because the law that created the program allows for public input at the time an agricultural security area is formed, it recognizes the interest of adjacent landowners, and therefore notice should also be given at time of easement offer.

The ruling has not gotten rave reviews. "I doubt the legislature ever considered this when they put the easement on the back half of the ag security area [bill]," said Fred Wertz. "They never thought the rules for security areas would apply to easement purchase. They could have designed and authorized our easement program under separate legislation," he said.

Edward Thompson Jr. of the American Farmland Trust, who had a hand in writing the law, agrees. "I doubt the legislature contemplated there would have to be an evidentiary hearing for each easement purchase," he said. Thompson also said the ruling is flawed in that while it gives Lenzi standing based on the law allowing public input at the ag security area stage, it prohibits Lenzi himself, once he is heard, from addressing issues that should have been raised at the time the ag security area was formed.

"His standing is predicated on his interest in issues the court says he can't bring up," Thompson said. Also, there is "no evidence Lenzi

**legislative
briefs ...**

In Maryland ... The state easement program has obtained a \$5 million advance loan based on anticipated bond sale, according to executive director Paul Scheidt. Easement offers are to resume this month, he said. No easements have been purchased since FY 1990 (*see story, p. 1*) ...

Harford County passed its Rural Plan, but with considerable weakening along the way. Although the plan is a policy document, the county council, under pressure from the farm community, added amendments that preempt any administrative action without council approval. A buffer provision to protect easement parcels, considered in the early discussion of the rural plan was dropped before the first draft, and a provision to protect the county's piedmont vistas along rural roads was dropped after opposition from farmers. The council is now considering a local easement program using installment purchase. The bill, introduced Feb. 2, contains the transfer tax funding option that voters approved in November. Members of the council have been debating with administration officials the fiscal benefits of using installment purchase.

In North Carolina ... Wake County, which has an easement purchase program on the books that has yet to be funded, is considering a bond referendum for school construction that could have open space and farmland preservation tacked on, according to Rick Bailey of the county Soil and Water Conservation District. Such funding would probably have a multi-use requirement, Bailey said.

In New Jersey ... A bill that would set up a state TDR banking program has passed the Assembly and awaits introduction in the Senate.

In California ... An effort is underway to initiate a bond referendum for parks and open space acquisition, possibly for the 1994 ballot. Projects and funding being discussed include

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farmland protection, according to Erik Vink of the American Farmland Trust ... the AFT is testing interest in legislation that would create a state farmland protection policy act, similar to the federal law, and a state PDR program bill ... the governor's Growth Management Council's report on guiding the state's growth was released Jan. 25.

In Kentucky ... The governor's Agricultural Policy Task Force, appointed last October, is working toward completing its recommendations this summer, to strengthen the state's agricultural industry, conserve its land base, and protect natural resources. The American Farmland Trust has been retained to help the task force work toward implementation during the state's 1994 legislative session, according to the AFT's Craig Evans.

In Pennsylvania ... Two bills carried over from last session to be reintroduced by Sen. Wenger include a bill that would exempt easement properties from transfer taxes, and a bill that would establish a sustainable agriculture division in the department of agriculture.

Notification, from preceding page

Pennsylvania program: vital statistics

- Program began: 1989
- Number of acres preserved: 25,000+
- Number of counties with approved programs: 31 of 67
- Number of counties with easements purchased: 21
- Funding status: Of \$100 million authorized, \$19 million remains undistributed. A new cigarette tax is expected to add \$11 million in Jan. 1994.
- Farmland loss: Between 1960 and 1989, farmland acres plunged from 12.3 million acres to 7.8 million acres. From 1975 to 1985, 900,000 acres were lost, equivalent to losing an area the size of Pittsburgh every six months.

availed himself of the protections the law allows." Thompson believes a legislative remedy should be sought.

Dwight Smith, assistant counsel for the state department of agriculture, said the state board has not considered pursuing legislation that would clarify the law's intent, but that his office is "open to suggestions." Smith said he has doubts about the success of such an initiative.

"Drafting it is one thing, whether it would survive due process is another," Smith said. The effect of the ruling is that adjacent landowners have a right to a hearing. Smith doubts that that can be legislated out of the ruling.

Some administrators find the new chore bothersome, others find it matches guidelines followed in other programs. So far, people responding to the notices are curious about the program or don't understand the nature of an easement, said Fred Wertz.

"Sometimes they think we're building houses on the farm. It causes consternation and unnecessary phone calls," he said.

In the long term, some administrators see potential misuse of the program because of the ruling. Tom Daniels, executive director for the Lancaster County program, said the notifications could result in land speculation on adjacent parcels.

"It's a terrible decision ... it's an invitation to land speculation. What developer wouldn't want to develop next to permanently preserved views?" Daniels said. Developers could find such parcels especially enticing, Daniels said, in townships without effective agricultural zoning, and thus higher allowed densities. Such development adjacent to a preserved parcel has happened at least once in Lancaster County, Daniels said.

Daniels' concern is further borne out in regional real estate marketing. New home advertising in the Philadelphia region often highlights environmental bonuses of a particular subdivision, from naming the types of wildlife to be found in one's backyard to boasting of permanent views afforded by "conservation land."

Contact: Fred Wertz, (717) 783-3167; Dwight Smith, (717) 787-8744; Ed Thompson, (202) 659-5170; Tom Daniels, (717) 299-8355.

100,000 acres preserved**New Hampshire program at sunset**

CONCORD, N.H. — One of the nation's model private/public partnerships for land conservation has reached the end of its tenure, and will close out officially this June, having reached its goal of preserving 100,000 acres of New Hampshire's farm, forest and other lands within five years.

About 65 percent of the lands in the program are protected under conservation easements.

The Land Conservation Investment Program (LCIP) was created by the legislature in 1987, with an appropriation of \$20 million and the partnership of the Trust for New Hampshire Lands, which raised \$3.2 million to pay the administrative costs of the program. Over the five-year program, \$48.7 million was spent for land conservation.

About 5,000 acres of farmland were preserved, mostly through easements, some held by the state and others by towns, according to Brenda Lind of the Trust for New Hampshire Lands. Lind is preparing the final report on the program, which will be out in early May, she said.

"The program had a broad range of values it wanted to take in, and farmland was one of them," Lind said. A few of the farms, however, were purchased outright, as additional acreage for parks, she said.

The state's largest working forest, the 40,000 acre Nash Stream Forest, was preserved, as was 70,000 acres of forest protected through easement, 70 miles of trails, habitat lands for 44 endangered or threatened species, and more than 70 miles of waterfront.

Future state conservation efforts have been discussed, according to Lind. "It has been talked about quite a bit. A lot of people have gotten involved in land conservation, and there is a lot of support," for a future program, Lind

said. "But right now, the state budget is too tight." Contact: Brenda Lind, (603) 228-4717.

resources ...**Conferences**

March 4, Lexington, KY: *Governor's Agricultural Policy Task Force workshop*, undertaken in cooperation with the American Farmland Trust. Panel topics: Conserving Kentucky's ag land base; promoting economic development for agriculture; promoting environmentally sound ag practices. Registration, including lunch: \$5. Call (502) 564-2611.

• **May 1 - 5, Chicago:** *Annual APA National Conference "Agenda for America's Communities."* Sessions to note: Protecting Farmland in Northeastern Illinois; Sustainable Cities; Environmental Equity; State Planning Mandates; Green Cities; Central Cities vs. Suburbia; Small Towns and Rural Planning (an APA policy hearing). Early registration discount for members, \$315 by March 19. Non-members, \$415. Call (312) 955-9100.

May 18 - 19, Hershey, PA: *ISTEA in Rural & Small Urban America*, sponsored by the Northeast Regional Center for Rural Development of Penn State. For information call: (814) 863-4656.

Previously listed:

NOTICE: The Land Trust Alliance Board of Directors cancelled its Spring conference in Snowmass, CO to honor the boycott of Colorado since the state's vote against homosexual rights protection. The Alliance will reschedule and relocate a conference for the fall.

March 14 - 16, 1993, Kansas City, MO: *"The Next Generation of U.S. Agricultural Conservation Policy,"* sponsored by the Soil and Water Conservation Society. Sessions will assess how current agricultural conservation policies in the U.S. are working and identify priorities for legislation,

including the 1995 farm bill. Call 1-800-843-7645 for materials.

• **Various locations and dates, ISTE Know-How:**

Regional conferences on how to reap the benefits of ISTE sponsored by a coalition of groups including the National Trust for Historic Preservation and the Surface Transportation Policy Project are scheduled through spring. Following is a partial list of cities and dates. Call Kelly Sinclair at the National Trust for additional information.

- Boston, March 12-13;
- San Francisco, April 2-3;
- Atlanta, April 23-24;
- Orlando, April 30- May 1

• **April 8: White Plains, N.Y.** *Reforming New York's Land Use Law: Developing a Balance Approach for the 21st Century*, sponsored by the Government Law Center of Albany Law School. A second conference on April 13 in Albany. Programs will examine a system of statewide comprehensive land use planning for New York, regional land use planning, options for coordination, consistency and concurrency in land use planning and controls, etc. Contact Barbara Mabel at (518) 445-2327.

Publications

• ***Transformation of Property Rights in the 'Space Age'***

M. Bernard

Lincoln Institute of Land Policy, \$5

This is a new working paper in the Lincoln Institute series on land policy and property tax policy issues. Papers are article length and produced inexpensively. Send check c/o Lisa Silva, Mktg, Lincoln Inst., 113 Brattle Street, Cambridge, MA 02138-3400.

• ***Strategic Growth: Taking Charge of the Future — A Blueprint for California*** Report of the Growth Management Council to Governor Wilson

Governor's Office of Planning and Research

Report of the Governor's Growth Management Council on how California should proceed in efforts to foster more efficient growth and protect the environment. See story this issue. Call (916) 322-2318.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Clinton advisors said to favor planning principles in ISTEA

WASHINGTON, D.C. — Infrastructure investment, a term that has been repeated over the last few months as a means for pulling the nation out of recession, has many land conservationists worried — not about infrastructure spending in general, but about what type of infrastructure will be the focus, and where it will be placed.

With passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991, a sea change occurred in how transportation planning and spending take place. Federally subsidized projects now must be environmentally sound and energy efficient, and, must be consistent with local land use planning. Land conservation and growth management advocates say this will foster more sensible development patterns that make use of existing and underutilized infrastructure.

Some of the nation's top developers agree. At a fall 1991 conference sponsored by the Urban Land Institute, developers said decreased federal spending on water and sewer expansion and new highway construction — and the rising cost of constructing infrastructure privately — will shift real

Clinton administration

New ag chief rated low on environmentalists' scorecard

WASHINGTON, D.C. — Environmentalists say his voting record on environmental bills has been dismal, but agricultural groups say he has been supportive of sustainable agriculture and conservation issues. American Farmland Trust president Ralph Grossi called the appointment of Mississippi Congressman Mike Espy to head the Department of Agriculture "a welcome and most refreshing change in outlook and direction," for the USDA.

When Espy's name first surfaced as top contender for the post, environmental activists urged Al Gore to derail the nomination, according to a story in the *Washington Post*, saying Espy's voting

estate focus back toward areas that are already "plugged in" to services.

Would infrastructure investment, designed to uplift the economy, derail ISTEA?

Hal Heimstra of the Surface Transportation Policy Project (STPP), a group that helped create ISTEA's new thinking, said the Clinton transition team has been very positive toward the new law.

STPP and a coalition of environmental groups including the Natural Resources Defense Council, the American Planning Association and the National Trust, helped to prepare a policy paper for the Clinton transition team, recommending how funding above the \$5 billion required for ISTEA should be placed. Heimstra said the paper was "well received," but with the deeper deficit now acknowledged, additional funding above ISTEA requirements is uncertain.

Heimstra said an influx of investment spending could threaten ISTEA "if they just throw the money out there and override the planning structure of ISTEA ... Clinton advisors recognize

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record on wetlands and other natural resource issues was decidedly anti-environmental.

While the *Post* story did not name the groups

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Infrastructure placement called vital to economic strategy

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ISTEA's good points, but the type of planning ISTEA calls for does not get done in a day," he said.

However, Heimstra said, there have been "positive indications" that the new administration will fully fund ISTEA and stick to planning policy.

Adele Simmons, president of The John D. and Catherine T. MacArthur Foundation in Chicago, posed the question of infrastructure placement to Clinton at the Economic Summit in Little Rock.

"I think there are important short-term investments that fit into your long-term strategies," Simmons told Clinton. "You talked about roads and bridges, but where will they be built? In the suburbs to attract more corporate leaders or headquarters to move out of the inner cities?"

Simmons said infrastructure other than roads, such as water treatment plants already under construction or in blueprint, inland waterways, high speed rail, federal building rehabilitation plans already in blueprint, could all be part of infrastructure investment that would create jobs as well as improve energy efficiency.

Clinton replied that long-term goals were important even with the need to immediately boost the economy. "Anything we do in the short-run ought to be consistent with what we want to accomplish in the long run," he said.

The STPP coalition's position paper to the transition team urges adherence to ISTEA's emphasis on maintenance rather than on new construction. The paper stated "there is basically no difference in job creation potential between maintenance work on existing facilities compared with construction of new facilities," and that "by prohibiting expenditures for new facilities, we avoid the potential future costs (i.e., increased air pollution, sprawl development) of new facilities."

The proposal also calls for performance-based investments that would allocate additional funds only to states that have met certain efficiency and environmental goals. Heimstra said the Clinton transition team is looking favorably at these ideas.

Urban planning policies that focus on strengthening the urban core and protecting farmland have been advocated since it was first recognized that the interstate highway system was not just moving goods more quickly and efficiently, but was drawing resources out of the nation's cities.

Bringing industry back to the city?

A bill introduced in the Pennsylvania legislature this session tries to bring companies to abandoned urban industrial sites. SB 1810 would relieve companies from liability for clean-up of hazardous substances on sites owned by economic development agencies. Clean-up could be shared by government and industry on a voluntary basis. If successful, the bill could serve as a model for other states.

In 1980, a congressional study called "Compact Cities: Energy Saving Strategies for the Eighties" warned of critical inner city decline and blamed federal subsidies in the suburbs for fostering rapid and inefficient growth and loss of farmland.

The study said federal subsidies should compel localities to channel growth to developed areas. The study also called on states to focus on highway maintenance rather than on new construction.

Ten years later, the new transportation bill finally addressed some of the study's concerns, and several states have enacted comprehensive planning laws. But for many cities, these trends come far too late. In cities such as Los Angeles and Philadelphia, massive urban decay has been impossible to reverse. Urban leaders in both cities have recognized the link between real estate investment at the urban fringes and the decline of the city. Other cities, such as Minneapolis/St. Paul, are just beginning to recognize the "trouble at the core" as resulting from unbridled growth at the fringe.

New Jersey's state plan, passed last year, fully acknowledges the urban decay/suburban development link, and sets in motion a comprehensive strategy to reverse the trend. Maryland attempted to address the problem also, but its strategy of downzoning rural areas as the first call to battle, without addressing urban economic development, backfired. Many in farmland preservation are beginning to say that effective land conservancy must begin with urban policy that improves city life, so that the loss of farmland can be addressed with a greater chance of success in the long term.

Federal involvement in land use planning has not been discussed since studies began under the Carter administration were completed in 1981. It is widely expected that the Clinton administration will be growth management friendly, with such

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Economic strategy, from previous page

appointments as Carol Browner, from the growth management state of Florida, to head EPA, and former San Antonio mayor Henry Cisneros, who holds a masters degree in urban and regional planning, to head housing and urban development.

But the problem could be more complex than any urban policy can address, according to Anthony Downs, senior fellow with The Brookings Institution. In a 1989 report he authored, Downs said the problem of urban decay and suburban sprawl is a result of the American dream gone wrong — of single family homes on spacious lots

creating isolated communities and traffic jams. He concluded in the report that until Americans give up the notion that single family homes on one-acre lots is optimum living, the development pattern of metropolitan areas will not change.

Downs calls for state planning and federal incentives to encourage planning. But the planning profession is almost a powerless part of the equation, he said in a recent interview. "A lot of the decisions are political. Much of the problem is how to get people to adopt the right attitude," he said. *Contact: Hal Heimstra, (202) 797-5411; Adele Simmons, (312) 726-8000, ext. 360; Tony Downs, (202) 797-6132.*

ZONING AS TECHNIQUE**Lancaster County ag zoning little known to outside officials**

PHILADELPHIA, PA — Effective agricultural zoning in nearly all of the 40 townships of Lancaster County, Pa., although well known to professionals in farmland preservation, is not well known to other planners or political leaders in the state according to a new study conducted by the Department of City and Regional Planning at the University of Pennsylvania. And, few state or county government officials have advocated agricultural zoning, the study states.

That could be because Lancaster County is seen as possessing an unusual combination of circumstances that make zoning at one unit per 25 acres politically possible. According to the study, conducted by Robert E. Coughlin, agricultural zoning that truly protects farmland from development occurred in Lancaster County because of strong political leadership, profitability of farming, and values that favor farmland retention.

The popularity of agricultural zoning in Lancaster County defied the county's population growth and development pressures during the 1970's and 1980's. Between 1975 and 1979, a period of rapid growth, nine townships adopted the zoning. Then, during the 1980's, during intense development pressure in the Philadelphia region, the number of townships adopting agricultural zoning actually accelerated, with an additional 26 townships adopting strict agricultural zoning.

Impressively, six townships actually enlarged their agricultural districts when development pressure intensified.

In 10 townships, there were no rezonings out of

agriculture as of 1991, six townships had net losses of only 15 acres or less, and in seven others, the report states, the area added to ag zoning districts were actually greater than the area removed.

"A desire to protect farming and the way of life it implies underlaid the decisions of most townships to adopt agricultural zoning," the study said. "That desire resulted in action when it was combined with strong leadership and the experience of development that threatened the local farming economy."

An almost complete circle of political support has existed for the adoption of agricultural zoning since 1975, according to the study, including farmers, township officials, county planning commissioners, the chamber of commerce and even the county's two daily newspapers, which covered farmland preservation extensively and with a positive tone. Competent legal counsel was also available in Lancaster.

Profitability of farming in the county is legendary. Lancaster County has some of the most productive farmland in the nation, with about 75 percent of the county containing Class I, II, or III soils. Class I and II soils cover more than 50 percent of the county. The average farm size in the county is 85 acres, but the county generated \$741 million in farm sales in 1988, ranking it first in the entire northeastern United States. Dairy, cattle, and poultry are the leading enterprises.

In addition to its rich soils, other factors that keep the county's farm economy strong are the amount of

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Environmental leaders supported Espy despite his votes on the issues

continued from page 1

concerned, the leaders of six national environmental groups sent a letter to Clinton in support of Espy and denied any connection to the protest, including the executive director of the League of Conservation Voters, which publishes the annual "National Environmental Scorecard." The Scorecard has consistently given Espy low marks for his voting on environmental issues.

Espy, a six-year veteran on the Agriculture Committee, did not support designation of a wilderness area on the Arctic coastal plain, strengthening of the Endangered Species Act, or protection of the nation's dwindling ancient forests. Espy voted against provisions to increase grazing fees on public lands, and was a co-sponsor of a bill that would have weakened wetlands protection.

In 1991, Espy voted for a bill to establish a federal tallgrass prairie preserve in Kansas, but when it came to the California Desert Protection Act, he voted for an amendment that would have decreased from 7.5 million to 2.3 million, the number of acres to be protected. The amendment was defeated.

Besides Espy's voting record on natural resource issues, some say his committee assignments have not given him significant exposure to the sustainability issue and very little exposure to farmland protection efforts. As a member of the Subcommittee on Cotton, Rice and Sugar, Espy worked to promote commodities that are "among the most resistant to sustainable agriculture," said Marty Strange of the Center for Rural Affairs in Nebraska. Strange also questioned how much exposure Espy has had to "changes taking place outside Mississippi Delta agriculture."

Strange said he hopes Espy's work on the Subcommittee on Conservation, Credit and Rural Development and the fact that Espy's father was an agricultural extension agent will mean "he will have interest beyond commercial agriculture, into the area of "whole rural communities. How the new rural development agency gets started is key," Strange said. "I hope he gives that a lot of attention."

A separate agency for rural development was

please continue to next page

etcetera ...

Cisneros appointment: A planner at HUD

Washington, D.C. — Henry G. Cisneros, new secretary of housing and urban development, is likely the first HUD secretary with a degree in planning, according to Anthony Downs, an expert on urban policy at The Brookings Institution.

In addition to earning a master's degree in urban and regional planning from Texas A&M University in 1970, Cisneros, former celebrated mayor of San Antonio, was given the Distinguished Leadership Award by the American Institute of Planners in 1985, and was recently given the Founders Award by Partners for Livable Places. Cisneros is a member of the American Planning Association, according to APA Research Director Bill Klein, and spoke at the 1992 APA conference in Washington, D.C.

Since June 1989, Cisneros has owned an investment firm that manages \$350 million in fixed income accounts, as well as a communications firm featuring his own radio and television commentary. He was mayor of San Antonio from 1981 to 1989 and developed a reputation for strenuous urban improvement planning and implementation. Many of his urban renewal goals, such as attracting high-tech manufacturing industries to his city, were not met as the Texas economy bottomed out in the mid-1980's. The city also suffered from a real estate boom that resulted in high vacancy rates for office space and hotels.

Cisneros said during his confirmation hearing that he will pursue housing policies that work in tandem with education, welfare reform and job creation.

Warman tapped for AFT federal policy post

Washington, D.C. — Tim Warman, Montgomery County (Md.) agricultural development specialist, became Director of Federal Policy for the American Farmland Trust, effective Jan. 4.

Warman spearheaded economic development initiatives to promote Montgomery County agriculture and promoted the county's farmland preservation programs, including its transfer of development rights program, during his seven years with the county.

Last year, Warman told a group of PDR administrators at a conference sponsored by the AFT, that the appraisal process was an unnecessary burden to farmland easement programs, and advocated use of customized formulas that target a locality's particular agricultural assets.

Montgomery County operates its own easement program based on a point-system formula for deter-

mining easement eligibility. Farmland preservation has been a major part of Warman's work for Montgomery County, where AFT Director of Public Policy Edward Thompson Jr. serves as chairman of the county Agricultural Preservation Advisory Board. Warman will be working directly with Thompson in his new position.

Warman has already spent time on Capitol Hill getting to know the 103rd Congress in his new post, and will network with federal agencies and nonprofit conservation organizations to develop federal policy initiatives that work to protect farmland.

About 5,000 acres in Delaware ag districts

Dover, Del. — Almost 100 applications have been sent to Delaware farmers interested in participating in the state's new farmland preservation program, according to Michael McGrath, planning manager for the Delaware Agricultural Lands Preservation Foundation. The program has been operating for three months and, so far, 11 landowners have submitted applications to form ag districts, totaling 4,720 acres. Each parcel must consist of a minimum of 200 acres. No applications have yet been approved.

Pa. farm stores decrease by half since '82

Ivyland, Pa. — Since 1982, the number of farm equipment and supply dealers in Pennsylvania has fallen from 600 to 275, with the eastern part of the state most affected, according to a recent story in the *Philadelphia Inquirer*. The article profiled the closing of a family-owned Bucks County farm store founded in 1889.

Bill Hobensack, owner of the store in Ivyland for the last 53 years, blamed farmland loss in the county for the demise of his store. "I didn't quit the business. It quit on me," he said. "The farms have gone and so has the industrial equipment dealer."

Bucks County has a population of more than 550,000, and has classified 75 percent of its areas of easement purchase as under moderately high development pressure. About 600 acres have been preserved in the county under the state easement program, which has preserved 25,253 acres in 21 counties as of late December.

Highlands study links urban decay, sprawl

A study of the New Jersey/New York Highlands region conducted by state officials and the Forest Service draws a link between urban decay and the acceleration of sprawl that extends well west of New York City. The one-million acre Highlands region, which extends from the Hudson River southwest to the Delaware River and encompasses nine counties in both states is expected to lose another 32,000 acres of farm and forest land by 2010. Between 1970 and 1985 the region lost about 20,000 acres.

Espy, from preceding page

created in the 1990 Farm Bill, a move Espy worked for, but the agency has been slow to be formed.

Ed Thompson, Director of Public Policy for the American Farmland Trust, said Espy's voting record should be seen in the context of his Mississippi district. "He supported conservation reserve and wetlands reserve. He's got the best environmental record of the Mississippi delegation. You have to remember he has a very conservative constituency," Thompson said.

Serving on the Subcommittee on Domestic Marketing, Consumer Relations and Nutrition, Espy worked to increase markets for pond-raised catfish, a major product of his rural district, and to promote the use and development of soy ink. Espy was supportive of the WIC program and promoted the use of food stamps at farmers' markets.

It was his work on the Lower Mississippi Delta Development Congressional Caucus beginning in 1990 that convinced then-Gov. Bill Clinton that Espy, with whom he worked closely, had good ideas about how to improve conditions of rural poverty in an area including parts of Arkansas and Mississippi. Clinton was then chairman of the Lower Mississippi Delta Development Commission, a body created by legislation Espy helped to write. The Commission created a blueprint for economic development that netted \$10 million for minority farmers and \$33 million for housing assistance in the lower Delta.

Some say Espy's appointment will likely mean new attention will be focused on the USDA's poverty and hunger assistance programs as well as on rural development policy and initiatives that help small and minority businesses.

Before his election to Congress in 1986, Espy served as an assistant attorney general for consumer protection and an assistant secretary of state for public lands in Mississippi.

EPA's Browner knowledgeable on farmland loss

Carol M. Browner, new head of the EPA, is a "tough fighter" who has had significant exposure to the issue of farmland loss, and has been active in Florida's growth management program according to some who have worked with her in her capacity as head of Florida's top environmental agency.

"In general she is quite a conservationist even

BUILDING CONSENSUS**Virginia embarks on state planning**

RICHMOND, VA — Virginia's Commission on Population Growth and Development has drafted legislation that sets down statewide planning goals including protection of farm and forest lands, open space, and cultural and historic resources. The draft legislation is being used as a discussion document and will not be introduced until next year, according to executive director Katherine Imhoff.

The Commission was created in 1989 and charged with recommending a statewide planning process. The following year the commission reported to the governor and general assembly that the pattern of development in the state was inefficient and environmentally unsound and that the state needed to take more responsibility for its growth.

The Commission was then enlarged and given the task of developing initiatives to ensure adequate planning in the state. In its draft proposal, the Commission has created 16 planning goals that call for: enhancing rural development "by maintaining and conserving natural resource-based industries, including prime and important agricultural and forestal lands;" conserving and protecting valuable open space, scenic and natural areas; encouraging compact patterns of development; and providing incentives for urban redevelopment.

The goals set up an incentive-based framework that calls for regulatory streamlining.

In 1990, the legislature told the Commission to propose a planning strategy, and said such a strategy could include "innovative and cooperative land management techniques." While many planners around the state generally favor the direction of the proposal, some say the current draft doesn't take advantage of the charge.

Wayne Cilimberg, planning director for Albemarle County, and a member of the Commission's technical committee, said the state needs to give localities the prerogative to use innovative techniques such as transfer of development rights, impact fees or adequate public facilities ordinances. "All that has been carefully devied-up among a few local governments," he said, when the legislature grants special permission to certain localities that request it. Cilimberg said he thinks authorization could be broader, even in a Dillon Rule state.

Cilimberg said the proposal also needs to ensure adequate technical assistance to localities, but supports the proposal overall.

"Virginia is not at the forefront of statewide planning and there are some real delicate issues. There's a strong identification of growth management with local prerogative, and probably that's why there hasn't been a larger move. From a local government standpoint, you want to maintain that [prerogative], but for state and regional goals, I think it can be overall a positive for Virginia as a whole. It's a good step forward."

Bob Watkins, director of planning and community development for Frederick County, which includes the city of Winchester, said he

continue to page 7

**legislative
briefs ...**

In Pennsylvania ... A bill that would have lifted a conservation easement on state land to allow construction of a nursing home died ... **SB 1810**, newly introduced, seeks to encourage companies to locate in established urban areas by removing liability for toxic waste clean-up at abandoned sites owned by economic development agencies. The bill releases economic development agencies from responsibility for clean-up, as well as new companies. Sen. David Brightbill, the bill's sponsor, said current law that places liability on newly locating companies encourages industries to locate in the suburbs and rural areas ... Bills that may be reintroduced in the new session beginning this month: **SB 1422** would exempt easements from realty transfer taxes; **HB 176**, the Conservation and Preservation Easement Act, would make all conservation related easements uniform under the law; **SB 1072** would establish a sustainable agriculture program within the State Department of Agriculture.

In Maryland ... An initiative to merge the state department of agriculture with the department of natural resources is opposed by agriculture officials ... no legislation has been initiated by the Maryland Agricultural Land Preservation Foundation. No growth management related bills have been initiated.

In Oregon ... No growth management-related bills are expected. The state farm bureau is lobbying for a right-to-farm bill.

In California ... In his State of the State speech, Gov. Wilson promised to soon release his administration's growth management plan, now two years in the making ... Sen. Marian Bergeson introduced **SB101**, the California Capital Investment Act, which would provide up to \$2 billion in state public works bond money for infrastructure, with such spending required to be linked to state and local land use policies. The funds could be used for open space acquisition, according to Peter Detwiler, consultant to Bergeson.

Unconfirmed reports say the administration could propose terminating subventions under the Williamson Act for the category of urban prime farmland (lands within three miles of city boundaries of 25,000 people or more.) Other growth management bills could be re-introduced. "Certainly growth management will be addressed in some way," said Erik Vink of the American Farmland Trust western regional office. The AFT is considering possible farmland related legislation for this session, Vink said.

In Massachusetts ... The Agricultural Preservation Restriction program is hopeful for introduction of a bond act to replenish a dwindling easement purchase fund of \$2 million.

In Florida ... The report to the governor from the third Environmental Land Management Study (ELMS III) Committee, which makes recommendations for improving protection of the state's agricultural lands, will be the focus of growth management legislation for the state Department of Community Affairs this session.

In Virginia ... The Commission on Population Growth and Development will be developing draft legislation for a statewide planning strategy. A legislative hearing is scheduled for March. The Commission will be demonstrating the benefits of a state GIS system this spring, according to Kat Imhoff, executive director.

In Washington ... A number of bills that "tinker with growth management" are expected this session, according to Mike McCormick, including an attempt to repeal the state's Growth Management Act. Also, a bill that would create a standard and define takings, is being lobbied for by private property rights advocates.

"Some would say we've really been targeted. The issue is seen as ripe here," McCormick said. The issue has been raised as localities deal with the Act's critical areas section, he said.

In Congress ... Pending in Congress is a bill (H.R. 4201) that would reverse two recent IRS rulings that disallow the donation or sale of a conservation easement during the 10-year period following special use valuation for estate tax purposes. Such sale or donation under the current ruling would trigger recapture of estate taxes abated under the special use valuation.

Virginia, from preceding page

The Virginia approach to statewide planning

"Every state has to do it differently. Every state has different case law, a different philosophical tone. Some states had a crisis," said Kat Imhoff, executive director for the Commission on Population Growth and Development. Without such a crisis to motivate political leaders, Imhoff said, the Commission must concentrate on illustrating the benefits of cost efficiency, coordination and sustainable growth.

"is not as big a proponent of state requirements for local planning. We've managed to develop our own approach. It takes time to do that — it's an educational and evolutionary process. Oregon's approach wouldn't work in Virginia." Watkins said the Commission's approach "is not overly burdensome. Some communities need the encouragement."

Watkins said his county could use impact fees, which he says would be more equitable than the currently used conditional zoning approach. He agrees that the Commission's proposal could include a greater enabling provision.

Kat Imhoff said the Commission has discussed providing for innovative techniques, and that the legislation could ultimately include such provisions. However, she said, the state's building industry "is not real keen on seeing local governments get more authority," and has said it would not support such a move.

City of Manassas Planning Director Roger Snyder said he doesn't worry about the Commission's proposal lacking enabling provisions. State planning, he said, is "not going to come in one package ... the state will be cautious and conservative in its delegation of authority to localities."

Snyder said the plan could help bring the state up to speed in planning practice. Virginia, he said, is "woefully behind other states. There's not even an adequate data base." Snyder said one of the proposal's important provisions is a clause calling for zoning consistency, requiring that zoning ordinances not only implement the state planning goals but the local comprehensive plan as well.

Planners also see a larger role for the state's planning district commissions, not all of which deal with land use, according to Warren Zitzmann, of the American Planning Association's Virginia Chapter board. "I think if they want to promote regional planning, they should give the PDCs the authority to oversee planning and zoning." Zitzmann said PDCs could have a review and comment role. Zitzmann also said the Commission proposal should contain an interjurisdictional coordination requirement.

Imhoff said the Virginia Association of Counties (VACO) has no official position on the legislative draft, but that VACO is taking a cautious stance. She said local officials will not be strongly supportive "unless there's a healthy funding source." Also, the proposal is still too young to garner support from local officials who want to see exactly how the move will affect local authority.

Browner, from page 5

though she's being painted as a moderate," said Larry Lebowitz, a reporter with the *Orlando Sentinel* who covers growth management and agricultural issues. In the heat of battle, she's not one to hold any punches, according to Lebowitz. "She's been very good at fighting the little battles piece by piece," he said.

According to Lebowitz, Browner spearheaded a successful move in the state legislature to net a 2-cent increase in the state's gasoline tax to pay for an estimated \$2 billion clean-up of leaking underground gasoline storage sites in the state.

Browner also spearheaded the protection of the Big Cypress Swamp, according to American Farmland Trust Senior Associate Craig Evans, who has been handling the AFT's work in Florida. Browner is an "extremely articulate, bright and dedicated environmentalist," who has an understanding of the conflicts between a population out of control, tourism promotion and conservation, Evans said.

"I think she tends to take positions that are strident," Evans said. Browner's tough "kick down the door, take no prisoners" approach is good for environmental protection but could "tend to alienate people in agriculture," Evans said.

According to the *Sentinel's* Lebowitz, Browner is "up to speed" on the issue of agricultural run-off in a state where corporate agriculture can easily be seen as the enemy when the environment is at issue.

Browner served on the committee that advised the governor last month to establish a farmland easement program. But that is "an unusual issue down here," according to Jim Murley, executive director of 1000 Friends of Florida. "Our acquisition programs don't target farmland," which, in Florida, sustains heavy artificial inputs for production, he said.

Evans, who has met with Browner twice, is apprehensive about what he calls Browner's "us or them" negotiation style. But, he says, "I hope she will have an open door and open mind with those who may disagree with her."

Lancaster, from page 3

land in agricultural zoning (272,000 acres, 85% of land in ag use) and a farming culture bolstered by resident Amish, Mennonite and Plain Sect communities. Certainly a recognition that the county's clout as a tourist destination rests with its agricultural and special cultural identity has helped to keep farming stable in the county.

The report asserts that agricultural zoning may have been made easier by the fact that the Amish do not participate in government and though they did not lobby for agricultural zoning, they also did not oppose it. And, while realtors, developers and many farmers over 50 years old often opposed agricultural zoning, a larger number of farmers supported it.

An important aspect of the county's agricultural zoning is the stability of the zoning, which, the report states, has been fairly solid. Despite growth pressure in a county already with a population of over 400,000, few rezonings have occurred on farmland in the 35 townships with agricultural zoning. Only 1.4 percent of agriculturally zoned land was rezoned between 1980 and 1990, the study found, and nearly four times as much area was added as was removed. Contact: Robert Coughlin, (215) 247-8180; Read More: For a copy of the study, "The Adoption and Stability of Agricultural Zoning in Lancaster County, Pa." contact the Department of City and Regional Planning, Graduate School of Fine Arts, 127 Meyerson Hall, Philadelphia, PA 19104-6311 or call (215) 898-8329. FAX: 215-898-9215.

resources ...

Conferences

- Various locations and dates, *ISTEA Know-How*; Regional conferences on how to reap the benefits of ISTEA sponsored by a coalition of groups including the National Trust for Historic Preservation and the Surface Transportation Policy Project are scheduled through spring. Following is a partial list of cities and dates. Call Kelly Sinclair at the National Trust for additional information (202) 673-4000.
 - St. Louis, Feb. 5-6;
 - Minneapolis/St. Paul, Feb. 26-27;
 - Boston, March 12-13;
 - San Francisco, April 2-3;
 - Atlanta, April 23-24;
 - Orlando, April 30- May 1
- April 8: White Plains, N.Y. *Reforming New York's Land Use Law: Developing a Balanced Approach for the 21st Century*, sponsored by the Government Law Center of Albany Law School. A second conference on April 13 in Albany. Programs will examine a system of statewide comprehensive land use planning for New York, regional land use planning, options for coordination, consistency and concurrency, etc. Contact Barbara Mabel at (518) 445-2327.

Previously listed:

March 14 - 16, 1993, Kansas City, MO: "The Next Generation of U.S. Agricultural Conservation Policy," sponsored by the Soil and Water Conservation Society. Sessions will assess how conservation policies in the U.S. are working. Call 1-800-843-7645 for materials.

May 23 - 25, 1993, Snowmass CO: Land Trust Alliance National Rally '93. Program features nationally known speakers, nuts-and-bolts workshops led by frontline practitioners, special events and tours. Information: (202) 785-1410.

Publications

- **The Regulated Landscape: Lessons on State Land Use Planning from Oregon** By Gerrit Knaap and Arthur Nelson Lincoln Institute of Land Policy, 244pp., \$20

Describes how the Oregon system came into being, and how it works, reviews the literature on growth management in Oregon to gauge how the state system has worked or hasn't worked, in protecting farmland, managing urban growth through UGBs, in providing housing and economic development. Knaap is associate professor of urban and regional planning at the University of Illinois. To order, call the institute at 1-800-848-7236.

- **The New Frontier for Land Policy: Planning and Growth Management in the States**

By John DeGrove, with Deborah Mines Lincoln Institute of Land Policy, 176pp., \$18.95

Describes the relatively new programs of Florida, New Jersey, Rhode Island, Maine, Vermont, Georgia, and Washington. Interviews with key players reveal how each program was politically possible through consensus-building. Implementation of each program is assessed through mid-1992. An update will be presented by DeGrove next year. DeGrove is founder and director of the Joint Center for Urban and Environmental Problems at Florida Atlantic University/Florida International University. Call 1-800-848-7236 to order.

- **Open Space in Southeastern Pennsylvania Today and Tomorrow** Draft Report of the National Park Service, Mid-Atlantic Regional Office 52 pp. Free

The Delaware Valley Open Space Study Task Force worked with the NPS to assess the potential for saving open space and farmland in this scenic area rich in historic and cultural resources. Goals and conservation opportunities are discussed. Includes assessment of the five counties in the fifth most populated metro area in the nation. For a copy of the study, call (215) 597-1581 or FAX request to: (215) 597-0932.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Conservationists optimistic, call new political era promising

WASHINGTON, D.C. — Strategies to win greater federal assistance for land resource protection are being renewed in Washington as land conservation interests await the end of an era marked with reluctance to implement resource protection policies established more than a decade ago.

Conservation interests are looking forward to a new way of thinking about laws that have sat on shelves all but discarded during the Reagan/Bush era, an era that saw business and industry persistently favored over environmental protections.

During the Bush administration, anti-regulatory principles culminated in corporations being allowed to sidestep various regulations through the powerful Council on Competitiveness, a "red tape" shredding team chaired by Vice President Dan Quayle. The Council was finally wound down two months ago when Sen. John Glenn succeeded in having the Council's funding cut, and questioned the legality of the Council's work.

Some laws, such as the Farmland Protection Policy Act of 1981, were never implemented. That law, which requires federal agencies to check their plans and policies for impact on farmland, has received only superficial treatment under the Reagan and Bush administrations.

For twelve years, environmental protection and economic development have been treated as incompatible. Vice president-elect Al Gore, in several noted campaign speeches, called that premise illogical, and now many are eagerly anticipating revival of federal assistance to land and water resource protection.

Strengthening of the federal Land and Water Conservation Fund, created nearly 30 years ago as a multi-purpose fund for land acquisition and recreational projects, has been a high priority for many in conservation. Robert Bendick Jr., deputy commissioner for the New York State Department

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AFT to refocus energy on affecting federal land use policy

WASHINGTON, D.C. — Refocusing its policy goals, the American Farmland Trust (AFT) will seek to revitalize farmland protection as a national policy issue, targeting the Farmland Protection Policy Act of 1981 for full implementation, according to Edward Thompson Jr., newly appointed Director of Public Policy and former general counsel.

Ralph Grossi, AFT president, said he hopes the new Democratic administration will be open to new ideas about farm policy that could eventually shift the focus of subsidy programs from supporting commodities to supporting land stewardship activities.

Thompson said federal farm policy should be linked to land use policies that will check infrastructure subsidies to local government before they lead to farmland conversion. "If I had one thing to

say to the Clinton administration, it would be that we need to look at ways to stop subsidies that lead to unwise land uses," Thompson said.

Thompson said the original intent of the Farmland Protection Policy Act (FPPA) was to redirect expenditures of federal spending programs that contributed to farmland conversion,

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Conservationists gear up for brighter political climate

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of Environmental Conservation, urged revival of the Fund last year at the national conference of the Land Trust Alliance in New Hampshire.

Restoration of the fund would be the single most effective way to reactivate the federal role in land conservation, Bendick said. Bendick suggested a one-cent per gallon surcharge on motor fuel sales as a way to replenish the fund.

Jean Hocker, president of the Land Trust Alliance, the national organization for private, non-profit land trusts, said revival of the fund is a priority for the Alliance. The fund needs to allocate more money to state and local projects, she said. "The amount of money to the states has been pitiful in recent years. A lot of conservation gets done at the state and local level," Hocker said.

Beyond specific objectives, Hocker said the land trust community is looking forward to political change in Washington. "All conservation efforts will be working in a more productive atmosphere. Land trusts will have a more sympathetic climate in which to work. I think it will make a big difference," she said.

For the American Farmland Trust, a change in the national political arena coincides with a policy shift in organizational goals that will ply greater energy toward affecting sensible land use policy, according to Edward Thompson Jr., Director of Public Policy and former AFT general counsel.

Thompson said the organization is re-focusing its programs with a renewed emphasis on farmland preservation through land use strategies that will include working to affect change in subsidy-based farm policy (*see story, page 1*).

The AFT will work toward making land stewardship part of federal farm policy, a principle long in coming but a natural outgrowth of thinking already contained in the farm bills of 1985 and 1990. In those bills, compliance with conservation standards is a link to participation in subsidy programs.

Thompson said the goal should be to turn subsidies away from income supports and toward land stewardship activities. "We have to have less money encouraging production and more money directly rewarding stewardship," he said.

Thompson said that idea, which he calls "the Robin Hood Principle" should apply to all resource protection, not just to farm policy. Under the prin-

Gore on subsidies and sustainability

"To accomplish the transition to a new economics of sustainability, we must begin to quantify the effects of our decisions on the future generations who will live with them ... a number of specific steps can be taken to accelerate the shift toward economic rules that promote sustainability. The first and most obvious changes involve the elimination of those public expenditures — both national and international — that encourage and subsidize environmentally destructive economic activity."

~ from "Earth in the Balance: Ecology and the Human Spirit" by Sen. Al Gore, Houghton Mifflin, 1992.

ciple, subsidies are "taken away from land uses we don't like and applied to those we encourage," he said.

AFT president Ralph Grossi said he hopes the new administration will be "receptive to reform ideas," that would shift the focus of farm policy from commodity support to land stewardship. "We're hoping appointees will be more open to working with the conservation community to build bridges between farming and environmental interests." According to Grossi, it is widely expected among conservationists that the Clinton/Gore administration will be more sensitive to land resource protection goals.

Saunders Hillyer, director for the National Growth Management Leadership Project's Office of Federal Policy, said his goal is to "work for responses appropriate for federal government in the area of growth management and land use."

Hillyer said he believes the Clinton administration "would probably be for a responsible federal role" in land use.

The Project is a coalition of state groups working toward statewide planning and growth management policies or laws.

"Goals for economic development can only be achieved if dealing with patterns of land use is part of it," Hillyer said. "We're going to have to explain the connections between patterns of land use and environment."

Contact: Jean Hocker, (202) 785-1410; Ed Thompson, (202) 659-5170; Saunders Hillyer, (202) 628-1270.

AFT policy direction targets farm bill, FPPA implementation

continued from page 1

but "the Reagan administration took the FPPA and ran it through the property rights sieve." Thompson said he believes the Clinton administration will be receptive to new ideas about farm policy and about a federal role in land use.

The new policy move is "not a major shift in what we're all about, Thompson said. "We want to empower farmers to protect resources through incentives, not coercion. But farmland protection needs to be part of ag policy again."

Farmland protection has not been part of national agricultural policy since the completion of the National Agricultural Lands Study in 1980, which claimed three million acres were being lost each year to nonfarm uses. The study led to passage of the FPPA, but economists within the USDA said farmland loss did not represent an actual threat to food production, and therefore should not be a national concern.

Policy initiatives at the Soil Conservation Service that would have promoted state and local land use policy were also scrapped. Under the Reagan and Bush administrations, "land use was a four-letter word," according to SCS insiders.

Thompson said the debate centers around how the loss of farmland is viewed. That farmland loss should be viewed only in terms of whether the nation's food supply is threatened represents "the tunnel vision of ag economists," he said.

"The loss of farmland affects the American family far more than just in the loss of wheat. Farmland protection does provide for containment of sprawl, it provides for societal values, wildlife habitat, opportunity for clean water, it is part of American heritage."

Thompson said the AFT has been updating its designation of key areas of the nation where farmland protections should be implemented, such as parts of California and Florida. In the early 1980's, when the organization told officials in California's Central Valley that farmland loss was a problem, "they said we were crazy. But push has come to show in only a decade," Thompson said.

The Central Valley is California's "only remaining region with the land and water to sustain large scale farming," according to Alvin D. Sokolow, public policy specialist for the University of California, Davis, in a recent paper.

But development pressures in the Central

Valley are intense, and most development is occurring on the flat, prime farmlands adjacent to the Valley's cities and towns.

California has more than 30 million acres of farmland, with about one-quarter of it being cropland, and loses about 100,000 acres to nonfarm uses each year — less than one third of one percent of the total supply. But "farmland losses appear more significant, however, when measured by the quality of the land resource affected, location, and impact on local economies and environments," according to Sokolow, who is currently conducting a study of farmland protection policy in the Central Valley.

The counties in California's Central Valley that are facing the most intense development pressure are also among the nation's top producing counties, (such as Fresno County, which produced commodities worth more than \$1.6 billion in 1989), and stand as a clear example of why farmland protection belongs in federal farm policy, Thompson said.

James D. Riggle, Director of State and Local Policy and former Director of Operations for the AFT, said farmland preservation has been the organization's primary issue since its founding, and that the decision to shift gears was made before the election. But, he said, he is optimistic about the Clinton/Gore team's apparent inclinations regarding land resources. "We've had 12 years of pent-up demand for land conservation. It's going to be an exciting few years here."

Thompson said the AFT is also involved in an initiative organized by the National Trust for Historic Preservation to support the prerogative of local governments to regulate land uses in the face of judicial "second-guessing" of local resource protection laws and to counterbalance the rise of private property rights advocacy.

Thompson said the effect of infrastructure subsidies on farmland is directly related to the takings issue, because when the federal government subsidizes extension of water and sewer, or the construction of highways through farm communities, it is directly affecting private property values and thus encouraging development in places that are often environmentally sensitive. Such subsidies, he said, are in direct conflict with federal, state and local laws that seek to protect land and water resources, and thus are contributing to takings claims.

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Two ballot initiatives pass, will create local PDR programs

Morris County, New Jersey, and Harford County, Maryland, were successful in passing ballot initiatives that will result in local farmland preservation programs.

In addition, Baltimore County voters approved a \$600,000 loan to assist state farmland preservation efforts there, and a \$3 million loan for county open space purchases.

In Harford County, Maryland, voters approved, by a margin of greater than two to one, a charter amendment to allow the county to borrow money to operate a farmland preservation program using the installment purchase method, and, to pay back the money through a new tax on real estate transfers.

The transfer tax, to be capped at one percent, had been authorized by the state legislature for the purpose of the easement program, but the enabling bill also mandated that the revenue be split between the program and a school construction fund. Minimum annual revenue is projected at \$4 million.

The County Council, reluctant to enact a new tax without a clear mandate from voters, sought that mandate by incorporating into the ballot initiative, and writing into its language, a requirement that a real estate transfer tax be the primary source of funding for repayment of bonds. Many thought this would seriously cripple the initiative.

But a private promotional campaign that focused on the county's rapid loss of farmland during the 1980s and on the fact that the new tax would be paid mostly by new residents, won over voters by substantial margins in all of the county's 40 precincts. The measure was opposed by the local association of Realtors, but the group made no strong effort to defeat it.

The transfer tax, yet to be formally proposed by the county executive, must still be approved by the County Council as a separate bill. The proposal will probably not be forwarded to the council until early next year. County officials will be meeting with officials in Howard County, to discuss how installment purchase has worked there since the method was initiated in 1988.

Unlike the state program, Harford's easement program would allow farms within the county's

etcetera ...

Farmland protection studies underway in Ca.

Davis, Ca. — A study of farmland protection strategies at the state and local levels nationwide has been initiated by the University of California at Davis, Department of Applied Behavioral Sciences.

The study is led by Public Policy Specialist Alvin D. Sokolow, who was the principal author of a study of the Williamson Act performed by the University of California for the state Department of Conservation in 1989. Sokolow heads the university's cooperative extension office.

The study will review techniques for protecting farmland, and explore whether regulatory or market-based approaches work best in other states, and what could be the best approach for California. The study will focus on the state programs of Maryland, Pennsylvania, Illinois and Florida and the local programs of Montgomery County, Md., Lancaster County, Pa., and Suffolk County, N.Y. The study will examine political circumstances as well as implementation strategies, funding mechanisms and the role of state policy.

Sokolow is also heading up a study on farmland policy in California's Central Valley, which will focus on seven counties that each experienced between 24.7 and 39.3 percent population growth between 1980 and 1990.

A study with similar focus has been undertaken by the California State University, Fresno, Department of Agricultural Economics, according to Dennis L. Nef, chair and professor. Nef has completed a working paper called "Maintaining Land in Agriculture in Central California." *Contacts: Sokolow, (916) 752-0979; Nef, (209) 278-2949.*

U.S. Rep. Kostmayer loses bid for re-election

Washington, D.C. — Seven-term U.S. Rep. Peter H. Kostmayer of Bucks County, Pa., a Democrat and long-time land protection advocate, lost his bid for re-election on a day that ironically turned out the highest number of votes for a Democratic presidential candidate in his district in years.

Kostmayer, who lost to State Sen. James C. Greenwood, introduced the Farms for the Future Act of 1990, and chaired the House Interior Subcommittee on Oversight and Investigations. He led a series of hearings on the American landscape in an effort to get Congress to consider ways the federal government could protect open space at the state and local levels.

In the tradition of Sen. Daniel Patrick Moynihan, Kostmayer made the connection between failed urban policy and the destruction of countryside to make way for suburbs.

"While farm and open space vanish at the rate of 5,500 acres each day, whole neighborhoods in America's cities have become barren and blighted dead zones that still fail to shame the nation into action," Kostmayer said in his opening remarks for a series of hearings on "The American Landscape in the 21st Century," held by the subcommittee beginning in May 1989.

Kostmayer was successful in getting Congress to authorize a study of open space in the area of Sterling Forest, in Orange County, N.Y. The study required the Forest Service to develop a plan to protect the integrity of Sterling Forest, the largest tract of undeveloped land between Boston and Washington, D.C.

Kostmayer hoped the study would be a first step toward a comprehensive program of countryside protection along the East Coast.

Many political observers of both parties cited Kostmayer's emphasis on environmental issues, and lack of economic strategy, for his loss.

Greenwood has worked in the state legislature "on the farmland protection types of issues," according to Kostmayer aide Mike Burke. Greenwood did not talk about those issues during his campaign, Burke said, "but we hope he would pick up on that theme," Burke said.

Burlington County, NJ voters approve TDR bank

Mount Holly, N.J. — By a margin of two to one, voters in Burlington County, New Jersey, passed an initiative to create a \$5 million Transfer of Development Rights bank for use by municipalities that adopt TDR programs. The bank would act to: 1) provide a safety net for landowners who fear an impact to land values by establishing a purchase price for credits and guaranteeing bank loans using TDR credits as collateral; 2) provide a way for retiring farmers to sell their land in fee simple yet sell the development rights to the bank; 3) acquire development rights from farmers facing foreclosure or other hardships.

"The whole thing is a safety net for landowners affected by TDR programs," said Chuck Gallagher of the Burlington County land use office. *Contact: Gallagher, (609) 265-5787.*

Ventura County working to preserve farmland

Ventura, Ca. — Ventura County, on the coast north of Los Angeles, has hosted two workshops this fall to discuss the county's agricultural industry and the protection of farmland, according to Gene Kjellberg of the county planning department.

A local land trust has been created as the first step in a strategic plan to establish farmland preservation policies and programs in the county. The land trust will focus its activities on the county's prime, irrigated farmland, Kjellberg said.

Much misunderstanding about land protection was confronted at the workshops, with "a who's who of naysayers" concerned about property rights and a perceived land grab by the county, Kjellberg said.

"There is by no means a boiler plate way to go about this, and we have a good way to go," he said.

Officials may hire a consultant to gauge public sentiment on preserving farmland and open space in the county. If the survey reveals a positive response, the county could pursue enabling legislation for a county-wide assessment district for a fund to preserve both farmland and open space, Kjellberg said. *Contact: Kjellberg, (805) 654-2455.*

Ballots, from preceding page

"development envelope" to participate if "the preservation of this land contributes to the promotion of agricultural opportunities and allows the county to focus its preservation efforts," according to the county's proposed Rural Plan.

"We're not going to rule them out. There will be certain situations where we will allow them to enter," said Michael Paone, the county's agricultural planner. The Rural Plan, tabled by the County Council last month, will likely go to public hearing in January (see FPR, Oct. 92). Passage is expected.

The county easement program could also allow one or more areas of the county to be targeted as high priority preservation areas.

Passage of the ballot measure "is a major step forward in getting a county purchase of development rights program," Paone said. "The next step is to get back to the Rural Plan, and get that approved."

Harford County contains about 100,000 acres of farmland, representing 758 farms, with the average farm size at 132 acres. Dairying and cash crops, particularly corn, are the predominant uses. Several parts of the county are characterized by contiguous farmland areas under traditional agricultural uses. In 1990, the market value of agricultural products sold from farms totalled about \$25 million.

In Morris County, New Jersey, 69 percent of voters approved a property tax increase starting at a half percent and to go up to two cents per \$100 of assessed valuation for farmland and open space preservation. Projected annual revenue from a half cent tax is \$2 million.

The county will create its own farmland easement program that will enable smaller farms within the county's developed areas to participate, according to Langdon Palmer, who worked with the county to promote the ballot measure. "We hope to save smaller farms throughout the county. We think it's important. In some parts of the county, there may be only a 40-acre farm left," he said.

The revenue from the tax will be split three ways, Palmer said, between the farmland easement program, a purchase program for important water resource areas, and a matching grants program for municipal open space purchases.

Like Harford County, Morris will move toward

Committee Report**Farmland protection advised in Florida**

TALLAHASSEE, FL — A committee charged with examining non-regulatory approaches to saving Florida's rural and agricultural lands, will recommend to the Florida Environmental Land Management Study Committee (ELMS III) that a state purchase of development rights program be established and that the state's agricultural use assessment law be investigated for misuse by land investors, according to Craig Evans, of the American Farmland Trust.

Evans, working with the Land Preservation Work Group, a sub-committee of ELMS III — the third committee under that name to convene since the state's growth management program was established in 1985 — authored a report on farmland loss in Florida in June 1992 that served as the centerpiece for the committee's work. That report cited Florida as one of very few major agricultural states without a policy on farmland protection, and claimed that the state was losing 150,000 acres every year, the fastest rate in the nation.

In addition, the state loses a half billion in revenue each year to tax exemptions under its agricultural use assessment law, with much of that going to land investors holding onto their land for future development while leasing it to farmers in order to qualify for the special assessment. The law does further damage to the state's coffers by not requiring reimbursement of the tax subsidy once the land is converted. The flawed "Greenbelt" law, created in 1959, was the subject of a special in-depth report in the *Orlando Sentinel* in July.

The work group, whose members include representatives of farming and environmental interests, also will call for a statutory change that will include the preservation of farmland as a defined purpose of conservation easements so as to meet IRS standards for deductibility and encourage use of easements. Also recommended will be an amendment to the states right to farm law to allow a farmer to make operational changes not currently explicitly allowed, and still be protected under the law.

The work group's report also recommends that the state Department of Community Affairs, the agency that implements the growth management program, pursue creation of a state sponsored transfer of development rights (TDR) program, and undertake TDR pilot projects to encourage local governments to pursue TDR.

More than a dozen counties in the state have TDR on the books, but none have worked well, and most seek to protect environmentally sensitive land, not farmland. The work group's recommendation also calls on the state to seek ways to improve the use of TDR by localities, according to Evans.

The report's importance, Evans said, is that it "recommends the state seek to maintain and expand agriculture," a policy not yet incorporated into the state's growth management law, according to the AFT's report. Growth management in the state, the AFT report stated, does not even address the protection of farmland.

**legislative
briefs ...**

In New Jersey ... Voters approved the \$345 million Green Acres bond issue, of which \$50 million will go to the state farmland easement program ... voters in Morris County approved by a margin of two to one a non-binding dedicated tax of two cents per \$100 of assessed value which will partially support creation of a county operated easement program. Program criteria have not been devised ... AB 745, the TDR banking bill sponsored by Assemblyman Shinn, has been reported out of committee.

In Maryland ... A bond sale scheduled for Oct. 15 that could have produced funding for farmland preservation was not held. It was decided the sale would not take place until the state has a balanced budget, according to Paul Schiedt, state PDR administrator. That could occur in a special budget-balancing session this month ... Harford County saw passage of a charter amendment that will allow purchase of farmland easements through installment purchase, with a real estate transfer tax the proposed funding source. The ballot measure passed by a margin of greater than 2 to 1 ... Baltimore County voters passed a measure to provide funding to supplement the state preservation program there with \$600,000. The Baltimore County Council also passed a resolution Nov. 2 to consider creating a county farmland easement program.

In Pennsylvania ... Two separate moves are underway to lift conservation easements from state-owned properties, in one case for construction of a nursing home and one for development of an industrial facility. In the first instance, HB 2324 would lift a deed restriction from parcels of less than 175 acres upon sale. The bill relates to a parcel adjacent to a hospital near Scranton, according to Fred Wertz, administrator of the state farmland preservation program. No legislation has been sought in the second case, which involves a state-

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owned, 1000-acre parcel, also adjacent to a hospital, in Westmoreland County. Sources say passage of HB 2324 is unlikely, but passage would set a bad precedent for conservation easements, Wertz said.

In Florida ... The Land Preservation Work Group of the third Environmental Land Management Study Committee (ELMS III) has finalized its report to the committee that recommends a statutory change to include agricultural conservation easements as deductible under IRS standards; an amendment to the Right to Farm Act to enable operational changes and remain protected under the law; and a review of the state's agricultural use assessment law for misuse by land investors. The group will also recommend that a statewide purchase of development rights program be established that would include easement purchase of environmentally sensitive lands.

In Oregon ... At press time, the Land Conservation and Development Commission (LCDC) was about to adopt its secondary lands rules that will make it easier to develop farmland that is rated as nonprime.

In Virginia ... Voters approved a bond initiative that will provide \$95 million for recreational and natural area acquisition and improvement.

In California ... The Senate Committee on Local Government and the Select Committee on Planning for California's Growth held a joint hearing Nov. 6 on "Resolving Land Use Disputes." The two committees have been studying growth management for the past five years, with a recurring complaint from individuals about the causes and costs of litigation, according to Peter Detwiler, consultant to the Senate Committee on Local Government. The committees heard testimony on whether the state should create a State Land Use Court, a move that would require a constitutional amendment.

In Kentucky ... Gov. Brereton Jones announced the creation of a task force charged with assessing the state agricultural industry and recommending ways to protect the future of the \$3.2 billion industry. The American Farmland Trust has been retained to work with the task force. A report and recommendations are expected by mid-1993.

Florida, from preceding page

But Evans said the report also calls on the state's planning laws to avoid permanently restricting the conversion of land, and calling on plans to consider "the collateral value of land," the underlying cause for farmland conversion in the state and in the nation, according to the AFT.

The Land Preservation Work Group "has a lot of clout," said Jim Murley, executive director for 1000 Friends of Florida, and a member of the ELMS III committee, which is charged with recommending ways to improve the state's growth management process. "The full commission tends to go with the work group," Murley said. The work group's report, which has "already had the rough edges worked out," is in the process of being incorporated into the main ELMS III document, according to Murley.

"The report represents a comprehensive set of issues easily taken up by the legislature," which takes up a land acquisition issue each year, Murley said.

According to the June 1992 AFT report, seven counties in Florida have proposed or are considering creation of farmland easement programs.

Contact: Craig Evans, (202) 659-5130; Jim Murley, (904) 222-6277. For specific information on growth management in Florida, call Don Pride, Director of Communications, Dept. of Community Affairs, at (904) 488-8466. Read More: For a brief overview of Florida's growth management system, call the Holland Law Center of the University of Florida at (904) 392-0082 and ask for Vol. 3, Number 3 of the Growth Management Studies Newsletter.

Helping growth management evolve

The Environmental Land Management Study (ELMS) Committee is Florida's means of providing constant finetuning to a law that has been under attack by various interest groups. Among other tasks that involve technical adjustments, ELMS is charged with helping to define the role of state planning and to bridge the gaps in understanding the premises that gave rise to the law and to the process.

In the last session of the legislature, many attempts to weaken the law sprung from the state's rural counties and small towns. The Department of Community Affairs, the agency that implements growth management, was under siege with at least eight bills aimed at gutting the growth management laws. In the end, all bills proposing major changes were defeated.

The current ELMS Committee was appointed by Gov. Lawton Chiles last November and its report on the status and future of growth management in Florida is due. Among its focus issues are:

- the role of the state in planning and growth management;
- potential changes in local comprehensive planning;
- the regional role in planning and growth management;
- dispute resolution and intergovernmental coordination.

AFT refocuses its policy direction

continued from page 3

"If we want to get rid of takings we have to get rid of givings first," Thompson said.

The AFT will also seek to increase the use of farmland easements nationwide, according to Thompson, a long-time advocate of easement use.

"We want to dramatically expand and institutionalize conservation easements. Easements represent that long term way to have the public share the burden of land stewardship," Thompson said. Easements, typically used to protect land from development, could also be used to protect land from poor agricultural practices. Easements could be used, Thompson said, to require nutrient manage-

ment or grazing limitations.

Thompson said the AFT will seek to change the term "purchase of development rights" to "agricultural conservation easements" to better reflect the nature of the restriction rather than the development potential of land.

The American Farmland Trust was founded in 1980 after the completion of the National Agricultural Lands Study, as an advocacy for the preservation of prime farmland, and has protected about 40,000 acres through easement nationwide. The organization also strongly advocates use of sustainable methods of production.

Contact: Ed Thompson, (202) 659-5170.

Ballots pass, PDR on tap for localities

continued from page 5

use of the installment purchase method, Palmer said. Chester County, Pa., is also exploring use of the method, according to Daniel P. O'Connell, the New Jersey financial advisor who devised the method.

Installment purchase, which allows interest payments in annual installments to farmers over 20 or 30 years and ending with a lump

sum principle "balloon" payment, was developed by O'Connell for Howard County, Maryland, in 1988. The Howard program ran into difficulty last year when the housing market stalled and the real estate transfer tax began to shrink.

Contact: Don Palmer, (908) 850-0169; Mike Paone, (410) 638-3103; Pat O'Connell, (609)361-9052.

resources ...

Conferences

Previously listed:

March 14 - 16, 1993, Kansas City, MO: "The Next Generation of U.S. Agricultural Conservation Policy," sponsored by the Soil and Water Conservation Society. Sessions will assess how current agricultural conservation policies in the U.S. are working and identify priorities for legislation, including the 1995 farm bill. Preliminary program and registration materials

will be available this fall. Call 1-800-843-7645 to be placed on the mailing list.

May 23 - 25, 1993, Snowmass CO: Land Trust Alliance National Rally '93. Likely the largest gathering of land conservation professionals and activists in the nation. Program features nationally known speakers, nuts-and-bolts workshops led by frontline practitioners, special events and tours. Registration information: (202) 785-1410.

Publications

• **ATTRA Sustainable Agriculture Directory National Center for Appropriate Technology Rodale Institute, 1992**

Appropriate Technology Transfer for Rural Areas (ATTRA) is a project of the National Center for Appropriate Technology, a federally funded program. The new directory lists over 700 individuals and organizations with expertise in sustainable agriculture practices and research. When published in late December, it will be available in printed and electronic form. Phone orders will not be accepted. To be notified of publication, write to: Sustainable Agriculture Directory, c/o ATTRA, P.O. Box 3657, Fayetteville, AR 72702.

• **Grand Traverse Bay Region Development Guidebook Grand Traverse County Planning Department, 1992 \$25**

This guidebook is the result of a citizen initiative and a plan by local officials to identify guidelines and regulations that could help this famous cherry production region retain its "regional landscape character" in the face of rapid development. The guidebook illustrates common approaches to development and suggests better approaches that serve to alleviate visual blight as well as congestion. The guidebook project was supported by many townships as well as the state department of natural resources through its coastal zone management program and the local chamber of commerce. The guidebook covers natural resource protection, buffering, open space protection, land division, access, circulation, parking, landscape design elements, building aesthetics, cultural resource protection and signs. A companion volume of sample regulations is also available. Call (616) 922-4676.

• **Planning Implementation Tools & Techniques - A Resource Book for Local Governments By Forster Nubisi**

University of Georgia, 1992 224 pp. \$19.95. This book explains traditional regulatory tools, including zoning, PUD's, subdivision regs, official mapping, fiscal tools, etc., and discusses how to put them in place and how each relates to others in a comprehensive plan. Definitions, sample ordinances and resource listings round out the book's focus on basic overview and practical advice for local officials and citizen planners. Call (706) 542-3350.

Other

1993 Alexander Calder Conservation Award: Nominations are due Feb. 1 for this award, presented by The Conservation Fund, to an individual who has achieved significant results in the protection of habitat through a cooperative effort between the business and conservation communities. The award is accompanied by a grant of \$10,000. For a nomination form and instructions call (703) 525-6300.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Economic initiatives for farming differ in agenda, premises

A major initiative in New Jersey to strengthen local agriculture by keeping land values high will apparently meet with controversy, and ordinances in a Pennsylvania locality that are lenient toward farm-based businesses is causing some conflicts in rural areas. But some veteran farmland preservationists say economic development for agriculture is essential to truly reach the preservation objective.

Elsewhere in the mid-Atlantic, economic development initiatives are being pursued as a way to politically strengthen farmland preservation goals.

In New Jersey two years ago, the Cumberland County planning department and the county's Agriculture Development Board had consultants prepare plans for an Agriculture Enterprise District (AED), modeled after urban enterprise zones. The initiative arose from concern over how the new state plan would affect farming and land values.

The object of the AED is to preserve farmland by strengthening the farm industry, because, according to its creators, the state's PDR program is expensive and will ultimately be ineffective in

preserving the state's agricultural industry. Further, the AED plan asserts that PDR "is not always the best alternative for a farm family," and that farmers lose equity through easement sale. The AED plan uses documentation from the Qroe Companies, a New England development firm that calls PDR "the rural rape" of farmers' equity.

The focus of the AED is to maintain high land values while encouraging farmers to keep farming for one year, eight years, or 20 years. Participation in the AED8 and AED20 would protect farmers from zoning changes during the period. It would be relatively easy to drop out of the program, making its value to the future of farming questionable, some planners say.

Cumberland is one of New Jersey's most agricultural counties, with a population of under 140,000 and with 118,000 acres of prime or important soils. It leads the state in total market value of crops sold. But fewer than 10 percent of the county's farmers have applied to sell easements

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Group focuses on national rural lands protection strategy

DEERFIELD, MA. — A group of invited conservation and growth management professionals and advocates met Oct. 1 - 4 in Boston and in Historic Deerfield, Massachusetts to work toward a consensus on a nationally applicable rural lands strategy.

The group, the National Growth Management Leadership Project, was founded by 1000 Friends of Oregon to advocate state and regional planning and growth management. The group is a coalition of non-profit organizations from 21 states with planning or environmental advocacies.

The conference focused on the protection of farm, forest, and open space lands.

Timothy Lindstrom of the Piedmont Environmental Council in Virginia told the roundtable

group of about 30 that the cost of purchasing easements "is very significant and not likely to result in large areas preserved." The Council instead promotes voluntary land preservation

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Should farmland preservation include economic element?

continued from page 1

in the state program.

Timothy Brill, assistant planning director and staff liaison for the Cumberland County Agricultural Development Board, said the AED is designed for use by localities and could be implemented by planning departments. "We saw the county ag development boards as taking a lead role in administering the program, along with economic development and extension people," he said. In Cumberland County, Brill said, "we have a unique thing between planning and ag folks. We feel it's a good model for getting things done."

Brill said more planning departments need to initiate economic development strategies to complement farmland preservation, but that so far, since the New Jersey PDR program has been operated, "the economic development angle seldom comes into play, that's why we've developed this plan." Brill said county officials have been disappointed that the state program has no economic development plan for agriculture.

"They need to take responsibility for this, devote resources and energy into a concept that's good for New Jersey. If it (AED) is going to fly, it will be at the state level," Brill said.

Donald Applegate, director of the State Agriculture Development Committee (SADC), which implements the state easement program, said the Cumberland County AED is better promoted by Cumberland County, a process he said would provide the best opportunity for other localities to suggest revisions. "The most effective role of the SADC is to let counties deal with it and when they are ready to endorse it, we can meet and iron out differences."

Applegate said the absence of economic development initiatives for agriculture by the SADC has been a matter of personnel and funding, not of compatibility. However, the easement program is built on the premise that the resource (farmland) must be preserved while that opportunity still exists. Providing incentives to strengthen the industry can follow, while the reverse is not necessarily true.

Mark B. Lapping, professor and dean of urban and regional planning at Rutgers University, said farmland preservation and economic development for agriculture should be implemented simultane-

New Jersey: Equity and the AED

"An important requirement of an AED is that participants must be able to retain the zoning on their land in existence when they went into the district or retain at least no more restrictive zoning. Farm equity will be somewhat reduced while the land is in an AED8 or AED20 but participants must be able to recover their original equity position if and when they leave the program ...

According to the 1987 Census of Agriculture, 65% of farm debt is secured by real estate, making farmland the most significant asset. Experience in the Midwest and the New Jersey Pinelands in the past five years showed the drastic effects reduced farmland prices had on both farm families and lending institutions."

from The Agriculture Enterprise District: Incentives for Farming Viability and Open Space in Cumberland County, Sept. 1991

ously, and that the "higher imperative" in farmland preservation is the "stay option," providing a future for farming on land that has been preserved.

"Communities and counties bond like crazy to bring in another Korean sweater factory. I would like to see them bond to preserve farmland because it is an already existing form of economic development and growth, often overlooked. That is a genuine problem," Lapping said.

A dichotomy of opinion on how best to preserve farming as an industry is indeed prevalent in New Jersey, according to Charles J. Gallagher, land use coordinator for Burlington County, the state's most active locality in land protection techniques. According to Gallagher, Cumberland County's approach to preserving farmland by keeping land values high will only benefit present landowners who value the opportunity to develop their land.

"What's good for the landowner today is not the same as what's good for agriculture. Until we get to a point where 51 percent of the people acknowledge that, we will have to pay for easements and hope we create a critical mass."

Gallagher said that maintaining high land values for farmers as a way to keep farming viable "has been a myth perpetuated. It's so inbred now ... to suggest ag land value be kept low is heresy. To some extent it's an intentional mental block," Gallagher said.

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Economics, from previous page

Gallagher believes effective agricultural zoning and transfer of development rights (TDR) may be the only way to save agriculture. He and former colleague Amanda Jones Gottsegen together devised a TDR plan for a township in Burlington County that will apparently become a model for adjacent townships. Gottsegen, who recently completed a final draft for a TDR handbook, recently relocated to Santa Barbara, California.

Planners in Lancaster County, Pa., established model ordinances for Agricultural Support Districts, farm-based businesses, and farm-related businesses in 1990. The ordinances were devised primarily to support the county's Amish, Mennonite and Old Order families, according to Dean Severson, senior land planner.

An orientation to local farming is the prerequisite for support districts, which are specifically mapped areas limited to commercial/industrial uses that provide goods and services used in farming operations, or provide for processing, storage and distribution of goods made from locally-farmed products. The districts can also serve regional markets, but must at the same time benefit the local farming community.

Agricultural Support Districts must be located to prevent heavy vehicles from passing through residential areas. Visual character is also considered. Permitted uses include any form of agriculture or horticulture, blacksmith shops, feed supply, product processing, wholesale and tobacco auctions. Commercial stock yards or feed lots and livestock auctions are special exceptions.

Devising the farm-based business model ordinance acknowledged the groundswell of change in Lancaster farming, Severson said, from reliance on traditional field crops to more intensive, often livestock-oriented operations. The ordinance responded to what was an already flourishing farm-based business sector in the county, part of how Old Order families support themselves because of the small size of their farms.

Many municipalities now regulate the size or scale of these businesses, Severson said, because what was once secondary to the agricultural income, became in many cases, primary, and often caused conflict in rural areas.

The farm-related business ordinance calls for farm-support type businesses to be sized and scaled to assure they serve only local farming. They need

not be located on actively-farmed parcels. The ordinance calls for these businesses to be special exception or conditional uses, and for locational requirements "that balance the limited mobility of local farmers with the access needs of heavy trucks."

But farm-based and farm-related businesses have caused some conflicts between uses in rural areas, as well as heavier use of rural roads than design allowed for, Severson said.

"You get guys starting out small, and then you suddenly have tractor trailers coming down small roads," he said. Severson also said that some of the uses allowed, such as manure storage and intensive livestock, are causing environmental and nuisance problems. There is no monitoring or enforcement of secondary-use provisions, Severson said, adding that he questions whether the ordinances are preserving family structure more than agriculture.

Elsewhere, economic development for agriculture is beginning to be seen as a way to politically strengthen farmland preservation programs.

In Delaware, where poultry is prominent, the industry itself, which is almost all locally owned, may take the lead in economic development initiatives, according to Michael McGrath, administrator of the state's fledgling PDR program. It will become apparent to the industry, he said, that the land mass necessary to protect itself from nonfarm neighbors is key to the industry's future. That reality has already spurred McGrath to use economic development as a calling card for possible funding sources for the PDR program.

When farmers in Harford County, Maryland recently claimed that the proposed Rural Plan focused too much on preserving land and not the farmer, an economic development section was added for political strength.

Although the plan died Oct. 6 from inaction and must now be re-introduced, some believe the section smoothed over some of the hostility farmers expressed toward the plan, which they said threatened land values and property rights.

The plan's new economic development section calls for multiple initiatives to assist farmers in marketing, finance and estate planning. In addition, an annual educational event, support, regulatory relief and possibly tax abatement for farm-based secondary businesses and establishment of agricultural support districts are also proposed.

Growth management group studies rural lands protection

continued from page 1

through easement donation by using public records of land ownership and sending letters to every new landowner of 25 or more acres. Virginia does not have a farmland preservation program.

Lindstrom, director of the Council's Charlottesville office and a member of the Virginia State Bar, has been working for two years for passage of S. 2957, the Open Space Preservation Act of 1992. The act would allow land that is subject to a qualified conservation easement to be free of both the federal estate tax and the gift tax upon transfer. The act applies only to parcels from which easements were donated, not sold.

Passage of the act "will make every estate planning lawyer in the country an advocate for conservation," Lindstrom said.

Rick Carbin, speaking on the creation of the Vermont Housing and Conservation Trust Fund, said ideas on how to preserve rural lands in Vermont evolved from the early to mid-1980's, when it was decided that a purchase of development rights program would be too expensive for the state. While a program was being proposed for land conservation, affordable housing advocates were looking at the same potential revenue source: a state transfer tax.

"So we combined the two," Carbin said. "We were told it would take four or five years. It took six months, because of the strength of the coalition. The vote to set up the fund was nearly unanimous. The following year, the legislature gave more money through Act 200," the state's conservation and planning law. "No other state combines funds for these two purposes," Carbin said.

The strength of the coalition, comprised of 57 groups ranging from homebuilders to preservationists, was the most important element in establishing the program, Carbin said. But perhaps more importantly, the program was able to succeed because the timing was right, he said. The first three years of its existence, "the state had a surplus and the program had a chance to prove itself. It was up and running very quickly." In addition, Carbin said, the program's achievements were very visible, creating new, affordable housing, and preserving active,

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etcetera ...

Rural cluster scratched from Lancaster Co. plan
Lancaster, Pa. — A rural cluster approach to protecting farmland in Lancaster County, one of the most important agricultural localities in the nation, has been dropped from the County Planning Commission's Growth Management Plan, according to Ronald Bailey, director of the commission. Bailey said discussion of clustering technique for rural areas will be deleted from all rural area land use designations in the plan. Clustering will remain a recommended technique only in urban areas, as part of the county's "Livable Communities" guidelines, he said.

The commission is currently re-writing the plan, Bailey said, "with more emphasis on accommodating growth adjacent to existing villages and restricting development in rural and resource areas."

Sewage disposal was a prime concern in the commission's decision, Bailey said. "It isn't that we're opposed to rural cluster, but the problem is, they would become nodes that would need extension of urban services," he said.

But that's not all rural cluster would do in rural areas, according to Tom Daniels, executive director for the Lancaster County Agricultural Preserve Board, who worked with Bailey to remove rural cluster from consideration. A rural cluster provision, Daniels said, would increase sprawl and create conflicts between farm and non-farm neighbors. It would also, he said, create land speculation, encouraging clustered home sites "next to permanently preserved farms."

Daniels told the commission last January that he did not see examples where rural cluster zoning worked "in tandem with commercial agriculture." Daniels urged the commission to drop rural cluster and instead draft a model agricultural zoning ordinance and a model conservation zoning ordinance. "There are several townships that need these two types of zoning to replace the current 'rural' zoning, which is in effect large lot residential zoning," he said.

The commission is currently drafting a Livable Communities handbook for the county's 42 townships and 60 municipalities.

Canavan's Canons: Rx for success in TDR

Deerfield, Ma. — There are at least seven rules to follow if the transfer of development rights is going to work in your locality, Denis Canavan of Montgomery County, Md., told participants of a growth management seminar at historic Deerfield, Massachusetts Oct. 1.

Canavan administers Montgomery County's renown TDR program, which has preserved 24,000 acres through 200 recorded transfers since the program began in 1981. Speaking before members of the National Growth Management Leadership Project, coordinated by 1000 Friends of Oregon, Canavan said that prior to the county's TDR program, it was losing 3,500 acres of farmland each year. The

county has not seen that number lost in all the 11 years since the TDR program was created, he said.

Among the elements Canavan said were required for a successful program were: simplicity of administration, sufficient prospects of long term growth pressure, downzoning at time of initiation, effective public education, strong political leadership and public support groups. *Contact: Canavan, (301) 495-4585. Read More: Ask for "Transfer of Development Rights: Elements of an Effective TDR Program" (2 pages).*

Virginia environmental agencies could merge

Richmond, Va. — Virginia's four environmental agencies, including the Council on the Environment, would become consolidated under one regulatory umbrella under a plan now being considered by the General Assembly. The plan is a move to streamline the state's permitting process and increase public access to regulatory agencies.

The Council on the Environment is charged with reviewing how six state agencies review their activities for impacts on farmland. A move by the Council to review state agency plans for protecting farmland was dropped last year, and the state farmland protection policy has not been implemented.

Loads of help to implement Washington GMA

Olympia, Wa. — County planners in Washington get scads of help from the state Department of Community Development when it comes to implementing the state's Growth Management Act (GMA), according to Mike McCormick, assistant director.

Over the last year, McCormick said, 7,000 guidebooks and 13,000 brochures on subjects including clustering, TDR, intergovernmental coordination, preparing a land use inventory and impact fees, have been sent to local governments. Regional planners in the division averaged 140 office and field visits per month to assist local planners in implementing the state plan.

The division also put together a 10-minute slide show for local planners to use in public meetings. "Implementation Briefs," a newsletter, is published quarterly, and a directory of growth management contacts in 26 state agencies with descriptions of programs will soon be available for city and county planning directors.

As counties implement the GMA's 13 statewide planning goals, policies for farmland and open space preservation, as well as historic and cultural preservation are being developed as part of overall strategies to discourage sprawl. *Contact: Mike McCormick, (206) 753-2200.*

Road and Land Institute proposed in Rhode Island

Providence, RI — "A five year experiment" to "test alternative design procedures and standards relative to highways, scenic routes and local roads" could be tried at the Rhode Island School of Design to "relate to adjacent land uses, aesthetics and regional planning objectives," according to a draft proposal. The Institute would bring together highway engineers, land use planners, landscape architects and preservationists. *Contact: Michael Everett, (401) 454-6100.*

Conference, from preceding page

working farms.

The roundtable group had several opportunities to hear about the purchase of development rights from Tom Daniels, executive director of the Lancaster County (Pa.) Agricultural Preserve Board. Daniels illustrated the use of targeted easement purchases to create effective urban growth boundaries around townships. Later, Daniels told the group that rural cluster development should not be considered a farmland preservation tool, and further, that the use of rural cluster, which has caught on in dozens of localities in New England and the mid-Atlantic states, had been recently deleted as an element in Lancaster County's growth management plan.

"We killed rural cluster in Lancaster County, and the reason we did it is because we want fewer people out in the countryside," Daniels told the group, whose members included Robert D. Yaro, of the Regional Plan Association, co-author of the popular design manual that set "creative development" in motion in 1988.

The 184-page manual, published through the Center for Rural Massachusetts, urged public officials to change zoning to allow for development that would be more sensitive to the environment and more compatible to the landscape.

Daniels charged that the manual emphasized design, without attention to the need to establish agricultural zoning that would effectively restrict development in farming areas.

Yaro strongly denied Daniels' claim and said that part of the work of the Center for Rural Massachusetts had been to try to improve zoning laws in the state. Yaro said the manual was about much more than design, but that the thinking behind the work was that the physical environment be a larger part of development planning. "You tailor the solution to the landscape," Yaro said.

Daniels said, however, that rural cluster was another form of sprawl. "What you're going to end up with is low density sprawl and that's something we have to deal with," he said.

The National Growth Management Leadership Project is administered by 1000 Friends of Oregon, and recently opened an Office of Federal Policy in Washington, D.C., headed by Saunders Hillyer, former director of the Chesapeake Bay Foundation's lands program.

Maryland program status**Program struggles, awaits bond sale**

BEL AIR, MD — County administrators for Maryland's farmland preservation program were called on last month to urge the state Board of Public Works to include the program in a bond sale slated for mid-October.

Executive Director Paul Scheidt, speaking at the annual meeting of the state's PDR administrators, said the state comptroller, who is one of three members of the Public Works board, is not keen on using bond proceeds to purchase farmland easements, and that the program is in danger of being "cut out of bond sale."

Scheidt said that while funding uncertainties continue, "land-owner perception is on a downward trend."

Scheidt said the program has \$10 million available this fiscal year for easement purchases, and that new funding hinges on the sale of bonds.

Scheidt called on each county advisory board to write to the state comptroller and urge the program's inclusion for bond sale allocation. The program is supposed to receive \$5 million from the sale, which would allow the program to make offers to applicants that have been on hold since the program's funding was diverted during the state's fiscal crisis last year, Scheidt said.

"The main thing is to promote the program and show it is important to the state and the counties. There is a lot of support for the program, otherwise there wouldn't be any funding," Scheidt said.

"How the Board of Public Works perceives the program will affect the funding," said Bill Powel, administrator for Carroll County, which tops the state in number of acres preserved. Powel said State Comptroller Louis L. Goldstein "is being lobbied that the ag value formula is over-compensation."

The formula, established in 1990, was designed to raise easement values by lowering agricultural values.

The Maryland Agricultural Land Preservation Foundation has asked counties to screen applicants "so they don't have to appraise all of them," Powel said. "They don't want counties to OK more applicants than money will cover. We may be asked to approve just 10 of 50 applicants. We'll target the better farms." In a competitive bidding system, Powel questions whether the state has the legal right to limit counties in the number of applicants approved.

Powel said his board is "not opposed to prioritizing, but its difficult to use a point system." The county has been devising its own program, which uses a point system for prioritizing farms. "We've done the preliminary paperwork," Powel said.

This year Carroll County put together a plan to purchase options on easements to protect important farms from imminent development. Under the plan, the county puts up 75 percent of the easement value to hold a property until the easement can be purchased by the state. After state purchase the owner reimburses the county. *Contact: Paul Scheidt, (410)841-5860; Bill Powel, (301) 857-2131.*

**legislative
briefs ...**

In California ... Although initially a promising year," according to Peter Detwiler, legal consultant to Sen. Marian Bergeson, no growth management or farmland protection bills made it to the governor's desk. AB 1770, sponsored by Jones, would have required local officials to follow state policies when determining compatible land uses under the Williamson Act. The bill, sponsored by the administration and by conservation organizations, was killed by the milk producers, Detwiler said. SB 929 (Pressley) would have created environmental and development plans and divided the state into regional planning districts with a comprehensive regional strategy. This bill was never put to a vote. One bill that did make it to the governor's desk will create a 19-member Delta Protection Commission charged with creating a land use plan for the area east of San Francisco where "rivers end up before going into the Bay," said Erik Vink of the American Farmland Trust's western field office. **In the courts...** a Monterey County sales tax that supported a local open space district was overturned as lacking the two-thirds majority vote required under *Rider v. San Diego Co.*, decided earlier this year (see FPR Feb. 92). "There's a real question whether any sales tax for any purpose will stand up with a 51 percent vote," said Larry Orman of the Greenbelt Alliance. "It will obviously have implications." A referendum last spring in Marin County that would have created a four-year \$25 per parcel annual tax to fund open space and farmland preservation garnered a 62 percent vote, according to Bob Berner of the Marin Agricultural Land Trust, "but not the two-thirds needed. When the economy improves we have an excellent chance at getting a measure approved. But that could be three years away," he said.

In Florida ... A referendum to raise property taxes and sell \$30 million in

bonds for land preservation is on the ballot in Indian River County. Similar measures have passed in other Florida counties where natural lands have been severely depleted. Indian River is a small county in the middle of the state's Atlantic coastline ... Growth management related issues have been aired at public hearings held by the Environmental Land Management Study committee (ELMS) over the past two months in preparation for the 1993 legislative session.

In New Jersey ... A bill that would appropriate \$20 million for start-up costs for a TDR banking program is moving toward a vote in the Senate Energy Committee and should be on the floor by Christmas, according to Chuck Gallagher of the Burlington Co. Land Use Office. ... A bill that will allow all municipalities to use installment purchase agreements in easement purchase, directly, without using improvement authorities, has been passed in the Assembly (sponsored by Assemblywoman Maureen Ogden) and will be voted on by the Senate this month. Mercer County is securing legal opinion on the legality of installment sale treatment for the seller. An opinion from a Rutgers University professor of law was favorable. A new IRS regulation will allow grant funds for farmland preservation to be placed in escrow accounts that would not be yield-restricted, and would be applicable to state-funded programs, according to Daniel P. O'Connell of Consolidated Financial Management, Inc., who developed the installment purchase method of easement purchase. O'Connell: (609) 361-9052; Mercer County, Leslie Floyd, (609) 989-6545.

In Maryland ... Harford County's Rural Plan, which includes multiple techniques for preserving farmland including PDR and TDR, was the object of intense ridicule by farmers who claimed the techniques would lower land values and take away development rights. The County Council tabled the plan until farmers better understand the techniques. The plan will be re-introduced. Mike Paone, (410) 638-3103.



TDR could save a half million acres in New Jersey, author says

MOUNT HOLLY, NJ — More than a half million acres of "undeveloped land" in New Jersey could be saved through municipal and regional transfer of development rights programs, if implemented effectively, according to Amanda Jones Gottsegen, author of an upcoming handbook on TDR for New Jersey localities.

The focus of the handbook, to be published by the Burlington County (NJ) Board of Chosen Freeholders with funding assistance from the New Jersey Conservation Foundation, is "on designing TDR programs for rural areas where suburban development has not yet made significant intrusions."

The half million figure is not unrealistic, a final draft of the handbook states, "considering that TDR could be used, with the passage of statewide enabling legislation, as the primary means of implementation for several regional plans that are currently being developed."

Those plans include the Skylands greenbelt initiative in the northwestern part of the state, the Highland growth management

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Intergovernmental agreements being drafted to save farmland in Illinois

JOLIET, IL — Intergovernmental agreements between counties and municipalities that can be used to encourage compact and contiguous growth patterns have been allowed under Illinois law since 1985, but are only beginning to be used, according to John Paige, director of planning services for the Northeastern Illinois Planning Commission (NIPC).

In Will County six such agreements are pending with the first up for a vote this month. Will County is using the state's Local Land Resource Management Planning Act of 1985 "in response to municipalities encroaching on areas that are designated for agricultural protection in the County's Land Resource Management Plan, said James E. Shelby, director for plans and programs in the county's Land Use Department. Shelby believes Will County could be the only locality pursuing agreements for that purpose.

Lake County, north of Chicago, with its 12 municipalities formed a growth management plan using intergovernmental agreements with the state department of transportation to prepare for a new expressway, according to NIPC's John Paige. The agreement with the DOT included "provisions to abide by certain principles, but farmland preservation was not one of them," Paige said. Lake County officials see their county as a growth corridor, Paige said, but are working to protect wetlands, and to develop certain visual criteria for the highway.

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TDR could be boon to NJ state plan

continued from page 7

plan in north central New Jersey, and the Barnegat Bay Watershed Management Plan in Ocean County.

TDR will work best in areas with strong development pressure and established infrastructure, Gottsegen states, but TDR could also be used successfully in communities with low development pressure, because TDR can now be seen as a vehicle for achieving the land use patterns recommended in New Jersey's State Development and Redevelopment Plan.

TDR continues to be politically difficult to initiate for planners and elected officials nationwide. TDR has not gotten past the consideration stages in many localities where it has been discussed in some cases for more than two years.

While TDR has been discussed internally and aired publicly at a recent workshop, "we have a long way to go," said Colleen Roberts, a planner with Marion County, Florida.

The state growth management plan calls for each locality to develop an approach to curb sprawl, but Roberts is not sure TDR will ever be adopted in Marion. "The ability to rezone is just too easy," she said.

Marion County, about 20 miles south of Gainesville in north central Florida, includes the city of Ocala, which has a population of about 42,000. Roberts said county planners, with the help of a GIS program, will evaluate sending and receiving areas by 1995. The time line is critical, Roberts said. "Right now the climate isn't appropriate and we really don't have the administrative capacity to do it," she said.

The TDR handbook, to be published later this winter by Burlington County, will be excerpted for a Special Report published by Bowers Publishing, Inc. this month, and made available to *Farmland Preservation Report* subscribers.

resources ...

Publications

• *Lessons from the States: Strengthening Land Conservation Programs through Grants to Nonprofit Land Trusts*

By Phyllis Myers
Land Trust Alliance, \$19

This study, the first of its kind according to the LTA, reports that \$99.7 million has been awarded in state grants to nonprofit land trusts to further common conservation objectives. The study found that 10 states provide direct grants to land trusts. The book provides case studies and analysis of programs. Send check for \$19 to LTA, 900 17th St NW, Suite 410, Washington, DC 20006, or use fax (202) 785-1408 or phone (202) 785-1410 for credit card orders.

• *How Much is Enough?*

Worldwatch Institute, \$8.95

Details the reasons for resource depletion and urges a conscientious retreat from materialism, with a focus toward the higher sources of human fulfillment such as community involvement and participation in public affairs. An excellent reading to recommend to community and environmental activist groups.

Conferences

Oct. 30-31: Fayetteville, Ark. Nonpoint Source Water Pollution: Causes, Consequences, and Cures, sponsored by the National Center for Agricultural Law and Arkansas Water Resources Research Center, University of Arkansas. Registration information: (501) 575-7646.

Nov. 5: Annapolis, Md. "Growth Management in Maryland — The Challenge of Achieving a Balance," sponsored by Chesapeake Bay and conservation groups, the one-day conference is an introduction to the state's Economic Development, Resource Protection and Planning Act of 1992. Cost: \$10. Buffet lunch. Contact Karen Meyer,

(410) 515-2924.

Nov. 14, Orlando. 1000 Friends of Florida's Fifth Annual Conference, "Pathways to Change — Turning Yesterday's Challenges into Tomorrow's Opportunities", Former Gov. Reubin Askew, featured speaker. Cost \$95 for non-members. Early registration deadline Oct. 23. Call (904) 222-6277.

Nov. 8 — 10, Washington, D.C. Transportation 2000: What the U.S. Can Learn from Abroad," sponsored by Transportation 2000, (303) 444-2100.

Previously listed:

March 14 - 16, 1993, Kansas City, MO: "The Next Generation of U.S. Agricultural Conservation Policy," sponsored by the Soil and Water Conservation Society. Sessions will assess how current agricultural conservation policies in the U.S. are working and identify priorities for legislation, including the 1995 farm bill. Preliminary program and registration materials will be available this fall. Call 1-800-843-7645 to be placed on the mailing list.

May 23 - 25, 1993, Snowmass CO: Land Trust Alliance National Rally '93. Likely the largest gathering of land conservation professionals and activists in the nation. Program features nationally known speakers, nuts-and-bolts workshops led by frontline practitioners, special events and tours. Conference organization last year in New Hampshire was outstanding. Registration information: (202) 785-1410.

Other

Design Access, a new information source for preservationists, architects, planners, landscape architects, public officials and others, is housed at the National Building Museum in Washington, D.C. and contains abstracts on every program or product ever funded by the National Endowment for the Arts' Design Arts Program, as well as a data base on exceptional design projects. Contact: Susan Hyatt, (202) 272-5427. *Design Access*, National Building Museum, 401 F St. NW, Suite 322, Washington D.C. 20001.

Agreements in IL could save farmland

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Paige said that Illinois law has long had intergovernmental agreement provisions, but that the Local Land Resource Management Planning Act of 1985 "increased the binding nature by statute." Paige believes the act has a lot of potential to preserve farmland and open space, particularly if the state appropriates funding, as the act provided. No money has surfaced, and NIPC is planning to develop legislation that will garner funding for localities using

agreements, whether for farmland preservation or efficient development objectives, Paige said.

As for Will County, "one municipality can't wait to pass the agreement," said Shelby, because the agreement will result in decreased density for a proposed subdivision, from one unit per 10 acres to one unit per 40, he said. The municipality is adjacent to prime farmland. Contact: Jim Shelby: (815) 727-8430; John Paige (312) 454-0400.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

PDR administration

States differ widely in handling dwelling site allowances

The nation's most active purchase of development rights programs have different approaches to allowing dwelling sites on deed restricted parcels. Approaches range from lenient to very strict.

In Pennsylvania, landowners can exclude a certain portion of their property for lot sales by acquiring a survey. Also, one additional residence for a farm-related occupant is allowed on an easement parcel under certain conditions. A maximum of two acres, and a location that will not interfere with the farming operation is required.

Each county board may approach requests differently. For the Lancaster Agricultural Preserve Board, executive director Tom Daniels sees the prospect of an additional lot as a negotiating tool when landowners are reluctant to sell an easement because of low per-acre offers. Daniels has negotiated seven additional lots and in two cases has offered two additional lots on important parcels to obtain easements.

"It's really on a case-by-case basis, whatever

you can negotiate, and we certainly don't encourage it," Daniels said. "You certainly don't want a lot of houses out there, but it's important to have extra bargaining power when your average per-acre offer is just under \$2000," he said. Daniels estimates that less than 15 percent of easements in Lancaster County are those with lot exclusions. None of those have been built, he said. The Lancaster program is the most active in the state.

Ray Pickering, executive director for the Chester County Agricultural Development Council, said the council works with easement applicants in planning for future family needs.

"We just mention [lot exclusions] as a possibility in their overall planning, for them to think about it. I wouldn't say we use it as a negotiating tool," Pickering said. "I don't see it as a problem. It's a more realistic approach for landowners to think about it now." Coming back after an easement has been placed on the property and re-

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PDR could gain toehold in Midwest; township to pursue

PENINSULA TWP, MI — Purchase of development rights may gain a toehold in the Midwest if a referendum on a local ballot passes next Spring in a township on Michigan's Old Mission Peninsula.

Except for several local open space and farmland preservation programs in central California and North Carolina, no purchase of development rights program exists outside the Northeast.

American Farmland Trust actions to protect the peninsula's nationally renowned orchards has spurred Peninsula Township officials to consider creating and funding an easement program. Such a program would build on the AFT's efforts, which aim to preserve 4,000 acres of farmland on the

peninsula by the end of the decade.

"The program would be unique in the nation," said AFT Midwest director Jean Coleman, because while the township has statutory author-

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Dwelling site options: New Jersey to seeking middle ground

continued from page 1

questing a reserved lot is not something the council wants to do, he said. Prior to settlement, everything is spelled out, including the location of the home site, Pickering said. About one third of Chester County applicants request an excluded lot.

In Berks County, about half of all easement applicants keep a certain portion of their land out of the easement, "usually one or two-acre partitions, depending on the local zoning," said Bernie Riley, executive director for the Berks County preservation board.

In New Jersey, landowners may apply for a Residual Dwelling Site Opportunity (RDSO), which allows construction of a residence "for agricultural purposes." Since the program has been in operation, there has been a disagreement over the wisdom of the RDSO, which can be allocated at one per 50 acres, with a forfeit of four times the certified per acre value of the development rights of the area to be occupied by the dwelling.

Recently, a few county boards asked the State Agricultural Development Committee (SADC) for clarification of the RDSO, particularly the definition of agricultural purposes. County boards interpret the clause differently, from allowing anyone to live in the residence, to restricting use to those who derive income from the farm operation.

Donald Applegate, executive director for the SADC, said some county boards feel the restrictions are too strict, but the SADC is bound by a statute that prohibits all non-ag related development. An ag-labor housing clause that allows new housing for farm workers with approval of the local board and the SADC, has not presented a problem, he said. But RDSOs, which may be petitioned at the time of easement sale, are also restricted to "agricultural purposes."

"It's a critical issue... but we don't know the answers yet. The bottom line is, [the home] has to be used for ag purposes." Applegate said the definition of "ag purposes" may need refining.

"Many counties are unhappy with an over-restrictive interpretation and say it's unfair. But we say the public will question any structure ... we're really caught in trying to be faithful to the statute. We're trying to find if there is some middle ground," Applegate said.

While some county boards would like more

Dwelling site allowances by state

- | | |
|-------|--|
| Penn. | Exclusions prior to sale and one dwelling site by right, with family or farm worker use restriction. Site subject to approval. |
| NJ | Owner may request one building site per 50 acres for agricultural purposes only. Owner forfeits 4 times value of development rights for acres taken off. Exclusions also permitted prior to easement sale, but not encouraged. |
| MD | One building right per 20 acres, by right, up to 10 rights, depending on zoning. Intended for family use. Payback required on acres taken out. |
| Conn. | Open-ended restrictions decided on site by site basis. |
| Mass. | Owner may petition for one dwelling site for owner or farm worker. Location subject to approval. |

leniency in the interpretation of ag purposes, the New Jersey Conservation Foundation, a non-profit organization, has long held that RDSOs will be a monitoring nightmare and should be eliminated.

Eleanor Campbell, special projects coordinator for the Foundation, said that while no RDSOs have yet seen construction in the state, they are unworkable. About 74 RDSOs have been granted, according to the SADC.

"The concern we have is, how on earth are you going to monitor compliance?" Campbell said. "Suppose someone stops farming. What are you going to do, throw them out? We would like to see [RDSOs] eliminated and another solution sought."

The Foundation has proposed the use of exclusions, similar to those in the Maryland and Pennsylvania programs. "We'd rather deal with exceptions and decide on location, and put in a right-to-farm clause," she said.

Applegate said exclusions could be an alternative. "That would be easiest. But on the other hand, they are more difficult to administer up front," whereas RDSOs are "easy to allocate up front," but, Applegate agreed, "more difficult afterwards. We have to accept that no matter which way we go, it will be difficult to make regulatory changes."

In Maryland, easement parcel owners can apply

please continue to next page

Dwelling sites, from previous page

at any time for building rights they retain by right under the state law. One lot per 20 acres to a maximum of 10 building rights, depending on the size of the parcel, is allowed for use by children only, with lot sizes up to two acres.

"We're able to release these lots if county zoning allows. The intent is for children to live on the farm," said Paul Schiedt, executive director for the Maryland Agricultural Land Preservation Foundation.

Subsequent owners are not allowed any building rights, Schiedt said. In a recent case, a landowner's excluded lot was never built, and the subsequent owner claimed retention of the building right. The landowner has not filed suit.

Schiedt said the Foundation may attempt to clarify the intent of the lot exclusion clause, and may consider requiring that proposed lots be built on within a certain period of time.

The Foundation has not been able to keep track of how many homes have actually been constructed on allowed lots. Several lot requests are filed each month, Schiedt said. Thus far in the program, 322 acres have been returned to landowners for lot exclusions, with paybacks for these exclusions amounting to \$169,244.

In Massachusetts, landowners have the right to petition the Commissioner of Agriculture for one or more dwellings for use by a family member or farm worker. If the request is granted, location is also subject to approval. Owners of smaller parcels are asked to waive their right to petition for a lot, according to Rich Hubbard, state program administrator.

The lot exclusions clause had to be reaffirmed by the courts last summer when a landowner claimed a right to build, and to locate the home at his option. In *Bennett v. Commissioner of Food and Agriculture*, the plaintiffs claimed the Commissioner did not have the right to deny them their choice of location for a home. The Supreme Judicial Court ruled that the Commissioner was within his authority to deny the requested site on a hillside in an open field.

In the Massachusetts program, 13 lots have been approved, and six denied. Half of the 13 have been constructed, according to Hubbard.

"My sense is that the Commissioner [of Food and Agriculture] will look a lot harder at these requests in the future. Much stronger cases will have to be made if applicants expect to be ap-

proved," Hubbard said.

Connecticut may have the least regulated building allowances on easement farms. Administrators have wide discretion in using exceptions. "We can either limit the number of houses, or leave the [excluded] parcel unrestricted," said George Malia, program administrator. "We do it site by site, whatever is best for the farmer and for the state," he said. Unrestricted, Malia said, means the owner can build as many houses as allowable on the site. Parceling off at easement sale is "standard," Malia said.

Contact: Tom Daniels, (717) 299-8355; Ray Pickering, (215) 344-6285; Don Applegate, (609) 984-2504; Eleanor Campbell, (201) 539-7540; Paul Schiedt, (301) 841-5860; Rich Hubbard, (508) 792-7710; George Malia, (203) 566-3227.

Right-to-farm notice required in deeds to adjacent parcels

ST. ANTHONY, ID — Requiring new nonfarm parcels to record an easement restriction that acknowledges adjacent farming practices is part of a farmland preservation program recently established in Fremont County, Idaho, adjacent to Yellowstone National Park.

Fremont County's comprehensive plan, adopted in February, discourages development "that is expected to conflict with neighboring farm operations." Where development is permitted, however, the county requires that an easement be recorded for each new home prior to construction, stating that farming practices that may conflict with residential use activities will be occurring on adjacent lands.

Unlike right-to-farm ordinances, which to varying degrees provide legal protection for farmers against nuisance lawsuits, Fremont County's "resource management easements" are signed by the homebuyer, and recorded as a permanent easement that stays with the parcel.

Lee Nellis, a planning consultant who worked with Fremont County in designing the technique, said new homebuyers are agreeable to the easement requirement. "People say 'this is what we want'. They are willing to accept the nuisances," he said.

Fremont County planning commissioners see the

County's rural plan features local easement program

BEL AIR, MD — Farmland preservation initiatives on two fronts have planners in Harford County, Maryland working toward passage of a rural element to the county's master plan, and, hoping for voter approval of a charter amendment in November. The amendment, posed as Question A, will enable the county to establish a local purchase of development rights program using the installment payment approach.

Harford County, northeast of Baltimore, has about 96,000 acres of farmland remaining after four decades of busy migration from Baltimore and its suburbs. In 1940, the county had about 188,000 acres of farmland. The county's population was 182,132 in 1990, a 350 percent increase since 1950.

The goals of the Rural Plan, underway for nearly two years, are to "preserve active agriculture and the farming community," to "redirect" development away from rural areas, and to protect open space and the environment. Despite farmer opposition, the plan also contains a policy framework for protecting the Piedmont and coastal plain vistas along the county's roadways. The plan would be coordinated with the public works department.

The primary techniques embodied in the Rural Plan are the transfer and purchase of development rights, rural clustering as an option, and a village center policy initiative that will provide an incentive-based approach for encouraging development to occur in or adjacent to already developed areas, and to reflect existing community character.

The transfer of development rights (TDR) initiative was mandated legislatively in 1990, but has yet to result in designated sending or receiving zones.

During workshops in July, some elected officials looked to protect their districts from serving as the county's primary receiving areas, and expressed doubt as to whether the "development envelope," the county's core of development containing its major towns and areas between, could provide adequate receiving space. Leaving little room for planners to work, officials also said they would not approve any enlargement of the development envelope. Input from citizens on TDR has been ineffectual since the plan has not progressed officially beyond the conceptual stage.

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Penn., Conn., mark 20,000 acres preserved

Harrisburg, Pa. — Recent easement purchases in Berks and Lancaster Counties brought to a total of more than 20,000 acres preserved in Pennsylvania since its state program began in 1989. Easements purchased in the state are concentrated in nine counties. Thirty of 67 counties now have approved programs. Lancaster County, which established its own program prior to the state's, leads the state in number of acres preserved, followed by Adams, Berks, York and Chester. Twenty of the 30 counties participating have appropriated funds for farmland preservation programs during 1992.

The Connecticut program, too, recently passed the 20,000 mark in preserved acres, on 139 farms.

Florida gives half a billion to speculators yearly

Orlando, Fl. — Florida is losing a half billion dollars each year to property tax exemptions granted to developers holding on to their land, according to a special report in the July 19 *Orlando Sentinel*. And, unlike other states, Florida has no mechanism to recapture that lost revenue when the exempted parcels are developed.

Florida's "greenbelt law" was created in 1959 to allow farmland to be taxed based on its agricultural income, but officials have no inkling of how much of the \$530 million in property-tax exemptions for 1992 goes to farmers and how much to developers taking advantage of the law.

"Here developers and speculators transform themselves into tree farmers and sod cutters at tax time," wrote Larry Lebowitz of the *Sentinel*. "Foreign investors lease multimillion-dollar hotel sites to cattle ranchers for \$10 a year ... their tax bills are just pennies on the dollar. And it's perfectly legal."

Lancaster County "Witness Farm" to be preserved

Lancaster, Pa. — The farm that served as the "on location" site for the 1985 film "Witness" starring Harrison Ford and Kelly McGillis will be the subject of a joint easement between the Lancaster County Agricultural Preserve Board and the Lancaster Farmland Trust, according to Tom Daniels, Preserve Board executive director.

Use of the Lancaster location netted national press coverage for farmland preservation in 1990 when Harrison Ford told the *Wall Street Journal* that he had developed an affection for Lancaster County farmland while working there, and that farmland "is too important a part of America to lose by default."

National Trust vs. property rights movement

Washington, D.C. — Launching a campaign against the extremism of the so-called "wise-use" movement is top on the agenda of Harry K. Schwartz, new director for the National Trust's Center for Preservation Policy Studies.

The Center has been working with environmental groups on the property rights issue, Schwartz said.

Protection of rural landscapes is the area that property rights advocacy has particularly attacked, Schwartz said, and

while the Trust has not been concentrating on rural land protection issues, "it will be in the future," he said.

"From a policy standpoint, we feel measures should be taken to prevent suburban sprawl. We've got to make sure that the planning process doesn't work backward to encourage conversion. There are a number of things that the federal government does that result in significant impacts on land use decisions," Schwartz said.

Economic realities, ag land conversion in Hawaii

Baltimore, Md. — Political influence is not to blame for the massive farmland conversion that took place in Hawaii during the 1980's, according Carol A. Ferguson of the University of Hawaii at Manoa. Ferguson spoke at the 47th Annual Meeting of the Soil and Water Conservation Society in Baltimore in August.

Rather, Ferguson said, the state's Land Use Commission, the agency responsible for rezoning decisions, has responded to economic forces that rightly affect change in zoning when costs and benefits of alternative land uses are weighed. The upzonings that occurred during the 80's and into the 90's when land was selling for \$100,000 to \$200,000 per acre, "reflect public interests in line with the original goals of Hawaii's Land Use Law," she said. In the state law, urban concerns "were foremost" with agricultural preservation concerns "carrying much lower weight."

Ferguson outlined "widespread retrenchment" from preservation policies of the 1970's in the U.S., and a similar shift in land use policy in Hawaii. The state has often been cited for its strict land use policy, but in practice, Hawaii's farmland conversion is among the highest in the nation.

In the state's zoning system, all parcels are classified into four districts: conservation, agricultural, rural or urban. The Land Use Commission must approve any changes.

State law urges that urban development be kept "in close proximity to existing services and facilities," and that "marginal or non-essential agricultural lands" be made available for urban uses when needed. In a November 1990 FPR interview, state planner Earl Yamamoto said soaring land prices had created a fullscale conversion of even the best farmlands.

Reams of paperwork stymie historic preservation

Philadelphia, Pa. — Local governments in New Jersey and Pennsylvania are reluctant to apply for small historic preservation grants because reams of federal paperwork make administrative costs prohibitive, even for small projects, according to a recent article in the *Philadelphia Inquirer*.

A grant for a survey of an historic district in Camden, New Jersey, was given up by officials when paperwork became too time-consuming to justify the result.

Other local government officials said they, too, avoid applying for small grants. At stake for the preservation initiatives is \$55,000 for New Jersey and \$83,000 in Pennsylvania.

U.S. Rep. Robert E. Andrews of New Jersey is pursuing legislation to address the problem.

"These rules seem to be written at a level that presumes preservation specialists are a bunch of liars and thieves when the opposite is true ... why we need federal thought police is beyond me," Andrews told the *Inquirer*.

Harford, from preceding page

The purchase of development rights (PDR) plan would become the nation's second installment purchase agreement (IPA) approach to PDR, first implemented in Howard County, Maryland in 1989. Developed by a Philadelphia investment banking and brokerage firm, the program pays farmers in installments for their development rights over a period of years, ending with a lump sum payment.

Harford County's plan would make annual interest payments to the landowner for 20 years, and end with the full payment on the principal. In Howard County, the period is 30 years, and semi-annual interest payments are made.

In November, Harford voters will decide whether to allow bond sale and the IPA approach. Question A, however, carefully crafted by a fiscally conservative County Council, requires, and states in the ballot language, that the bond financing be supported by the County Executive's proposed real estate transfer tax, making it likely voters will view the measure as a referendum on a new tax.

A campaign to promote passage of Question A has been initiated by a citizens group organized by *Farmland Preservation Report* editor and publisher Deborah Bowers, who lives at her family's farm in the northern and most rural part of the county.

The Question A campaign is further complicated by the state's enabling legislation that authorizes creation of the tax, but mandates that the revenue be split between the PDR program and a school construction fund. The county's teachers' union has refused to support Question A because, it says, such funds should be used for other educational purposes rather than for construction.

Harford planned for its own PDR program when it became apparent that the state program would falter from continuous budget cuts during the state's fiscal crisis that began in 1990. The county has possibly missed the opportunity to preserve over 5,000 acres because of the setback, according to agricultural planner Michael Paone.

The local program would have advantages over the state program, Paone said, particularly in regard to determining development rights values. The process used by the state often gives higher per-acre offers to parcels with high development pressure and marginal soil quality, because poorer soils lower the agricultural value, thus expanding

Local Michigan PDR could feature a "density buy-down" option

continued from page 1

ity to create the program, it has no state model. Michigan has accumulated more than \$5 million in penalty funds from termination of contracts in the state's farmland development rights agreement program, but a PDR program exists only on paper.

The Peninsula Township program could include criteria for preserving viewsheds and environmentally sensitive lands as well as farmland, said township planner Gordon Hayward. Residents have been surveyed on their feelings and priorities regarding land preservation, and farmers have been particularly targeted for input, Hayward said.

"We're identifying farmland areas to preserve, and expect to have it approved... in November we're going back with three options," he said. One of those options, Hayward said, is to "buy the density down," instead of buying all development rights on every parcel.

"Some of the farmers are concerned that if they sell all their development rights they'll lose too much equity in their land, so we may leave some residual value with the farmer. We will try to leave as many options with the farmer as we can."

In devising the PDR program, Hayward is looking at a range of acreages as well as types of land to target. "What we're trying to do is create a critical mass of farmland so the industry itself can be protected," he said. But the township is also interested in protecting scenic vistas that include views of Lake Michigan.

The AFT recently purchased a 158-acre farm with 880 feet of Lake Michigan shoreline, adjacent to a park and another preserved property purchased by the AFT and sold to the state in 1989. The 158-acre parcel had 30 building rights.

Because no funds could be found to reimburse the AFT, the organization divided the parcel into five parcels subject to conservation restrictions. Farming will continue on the farm's 80 acres of cherry orchards. The restrictions will be enforceable by the township. *Contact: Jean Coleman, (312)427-2943; Gordon Hayward, (616) 223-7322.*

Local Maryland PDR goes to voters

continued from page 5

the difference between the fair market value and agricultural value. The difference between the two establishes the easement value.

The county program also would attempt to offer payment more quickly than the state program has in the past. The average period between offers and actual payment has been 18 to 24 months.

Harford County's agricultural zoning, which allows one building right per 10 acres, with a minimum two-acre lot size, has promoted sprawl since 1977. In addition to the 1-10 zoning, the county allowed family conveyances to landowners of record as of February 1977. The

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legislative briefs ...

In California ... A member of the governor's Council on California Competitiveness in July urged the state legislature to adopt a statewide growth management plan and other reforms in land use, saying the Los Angeles riots seem to have gotten the growth management drive off track. The Council presented a report on the state's growth management in April, just six days before the riots. The report's recommendations have been embodied in legislation introduced by Sen. Marian Bergeson of Orange County. The bill could be considered this fall.

In New Jersey ... The legislature approved the 1992 Green Acres, Clean Water, Farmland and Historic Preservation Bond Act, which will put a \$345 million bond issue on the ballot in November. The farmland preservation program would receive \$50 million if voters approve the measure ... In Morris County on Nov. 3, voters will decide whether to approve a trust fund for the purchase of open space and farmland, in a nonbinding referendum.

In Washington ... Changes to the Growth Management Act during the legislative session include: designated funding is now further limited, and cannot be used for some capital projects, including parks and open space acquisition; agricultural and forest land in open space corridors can't be restricted solely to protect open space unless compensation is made.

In Florida ... Gov. Lawton Chiles signed into law an affordable housing bill that will also back the sale of \$300 million in bonds for the Preservation 2000 program. The program will add thousands of acres of environmentally sensitive lands to the state's land preservation and conservation inventory. Dedicated funding to support the bond sale will come from an increase in the state's documentary stamp tax. The bond sale is scheduled for February ... Dade County agricultural industry suffered

an estimated \$1 billion in losses due to Hurricane Andrew.

In Oregon ... In August the Land Conservation and Development Commission (LCDC) unanimously adopted amendments to the State-wide Goals on Agricultural Lands and Forest Lands. The amendments will allow counties to relax zoning on "secondary lands," that is, less productive farm and forest lands. It will be easier to build homes on these lands, which will now be designated "small-scale resource lands." The amendments also introduce the classification of "high-value farmlands," which will receive greater protections. Rules for the amendments will now be written.

In Maryland ... The governor announced that a \$1.5 million grant would provide funds to localities for implementing the Economic Growth, Resource Protection and Planning Act of 1992, the statewide planning policy and guidelines passed this year.

Harford County, from page 6

allowance, possibly the most liberal in the nation, provides a building right to *each* owner's children, brothers, sisters and living parents, *for each parcel owned*. It is estimated the family conveyance provision increases the number of as yet unused building rights in the rural areas by 50 percent.

Without the political will to decrease the number of new homes allowed in the agricultural areas of the county, the Rural Plan includes a "conservation development" clustering proposal that would introduce rural clustering to the county. Farmers have opposed the original intent of making clustering mandatory in rural areas, and the proposal now stands as optional.

The Village Center development proposal could receive its initiation through workshops convened by the County Executive last spring. The sessions have brought together developers, land-owners and preservation activists to study and discuss open space zoning and possible changes to the county's development standards that would allow new development in rural areas to conform to existing community character.

In addition to the Rural Plan, the county created a special commission to develop a purchase of development rights program for environmentally sensitive land and to serve in unlimited capacities to preserve open space. The Commission on Environmental Land Preservation will issue its initial report this fall. The establishment of the commission also coincided with creation of the private Harford Land Trust.

Public hearings on the Rural Plan have been held. The Council votes on the plan in October. *Contact: Mike Paone or Stoney Fraley, (410) 638-3103.*

Public education key for Wash. planners

OLYMPIA, WA — Better designed citizen participation, demonstration projects showing good infill design, and examples of clustering and transfer of development rights are "the hot issues" in implementing Washington's Growth Management Act, according to Mike McCormick, Assistant Director for Growth Management in the Department of Community Development (DCD).

The Growth Management Division of DCD has been sponsoring or supporting workshops and demonstration projects to help local planners develop the skills and knowledge required to implement the Act.

This summer, the DCD sponsored a presentation by Tony Nelessen, professor of Urban Design at Princeton and Rutgers University, who worked with New Jersey townships to educate the public on TDR and urban design that would alleviate fears of increased density in established communities.

The Nelessen workshop featured new applications in urban design that emphasize providing privacy in higher density arrangements. Planners, elected officials, builders and architects participated in a "visual preference survey" devised by Nelessen. Participants evaluate the desirability of images from new subdivisions, traditional neighborhoods, mixed uses and commercial areas. The survey is designed for citizen use. Results are analyzed according to principles of design including tree-lined streets, garages behind houses, and narrow streets. *Contact: Mike McCormick or Steve Wells at DCD: (206) 753-2222. Read More: Ask about availability of materials and a video of Nelessen's techniques and principles. Tony Nelessen can be reached at (609) 497-0104.*

Idaho, from page 3

easement requirement as a step beyond right-to-farm ordinances, that formalizes and symbolizes the county's commitment to keeping agriculture viable.

Neil Hamilton, director of the Agricultural Law Center at the Drake University Law School in Iowa and right-to-farm expert, said the use of an easement for right-to-farm protections is "an interesting idea," and unique. "There's a lot of potential use of easements ... I've never seen them integrated into a right-to-farm covenant," he said.

Hamilton, who has written several books on right-to-farm laws, added, however, that nothing can be fully clear of legal challenge.

"Even with an easement you can still get into a legal definitional fight ... it doesn't get around the definition or extent type question. What if the feedlot gets larger? Is it still a feedlot or something different? It goes back to the question of what is agriculture," he said.

Very few right-to-farm ordinances have been tested in court since they first were adopted by state legislatures in the 1970's to protect farmers from the complaints of new non-farm neighbors.

In addition to the resource management easements, Fremont County has established a voluntary transfer of development rights program with density bonuses as part of a clustering option. Base residential densities are assigned by land type, with one dwelling unit per 40 acres for productive croplands, and one-acre minimum lot size. The base density can be transferred to any cluster development meeting certain criteria. Additional dwelling units are permitted based on a development standards scoring system.

In addition to discouraging development in agricultural areas, the county requires that all developments including or adjoining irrigated lands be reviewed by the owner of the irrigated land. The county is home to the nation's largest seed potato producing area. Hay and grain are also prominent crops.

Prior to adoption of its comprehensive plan last February, the county had no zoning and its plan addressed only subdivision development, according to newly hired zoning administrator Gerald Rydalch. While most new residents are natives who understand farming, Rydalch said, problems with nuisance complaints by new residents building homes adjacent to a feedlot

at nearby Idaho Falls prompted the move. **Contact:** Lee Nellis, (208) 524-2569; Gerald Rydalch, (208) 624-4643. **Read More:** Ask for the *Resource Management Easement language*. Also: Neil Hamilton, (515) 271-2065. **Read More:** Ask for ordering information for Hamilton's handbook, "Nuisance, Land Use Control, and Environmental Law" published this year.

resources ...

Publications

• *Does Farmland Protection Pay? The Cost of Community Services in Three Massachusetts Towns*
American Farmland Trust, NE Regional Office
June 1992, 38 pp.

This is the final report describing the AFT's study of how much it costs local government to provide services to residential, industrial and farm/open land, and, how much each use pays back in taxes in comparison. The study received the SCS Merit Award in August. The study sets down a logical approach for local officials to use when asking whether "highest and best use" truly is, and whether farmland protection is a wise investment. Answers: no and yes. The handsomely designed report is available from the AFT national office by calling (202) 659-5170.

• *The New Frontier for Land Policy: Planning and Growth Management in the States*
By John M. DeGrove with Deborah Miness
Lincoln Land Institute, Aug. 92

Summarizes the programs and initiatives of Florida, Georgia, New Jersey, Maine, Rhode Island, Vermont and Washington. This is a prelude to a more in-depth work in process. Call Publishers Business Services, noon - 5 p.m. at 800-848-7236 for ordering information.

• *The Implications of Lucas on Planning & Zoning*
in *Planning & Zoning News*, a monthly magazine
Planning & Zoning Center, Inc. July 1992

P & Z News is published monthly for Michigan planners. In July, the magazine featured the Lucas decision, with commentaries on the importance of the decision for planners. Three articles written by P & Z Center consultants John Warbach and Mark Wyckoff, AICP, illuminate the details of the case and its probable effects on planning. The Center is also offering copies of the 79-page Lucas decision for \$10. Call (517) 886-0555 or write P&Z Center Inc., 302 S. Waverly Road, Lansing, MI 48917.

• *1992 Sustainable Agriculture Program Directory*
American Farmland Trust
70 pp., Aug. 1992, \$10

Over the last two years, the AFT surveyed state

agencies, universities and organizations to compile a comprehensive listing of state, national and international programs and initiatives that focused primarily on sustainable agriculture. More than 400 responses netted about 225 programs that are listed by nation, region, and state. Call the AFT at (202) 659-5170 or send \$10 to: AFT Publ. Dept., 1920 N St., NW, Suite 400, Washington, DC 20036. Contact: Gary Kozel.

Conferences

Sept. 29, Roanoke, Va.: "Strategic Development of Western Virginia: An Investment in Tomorrow" sponsored by the I-81 Corridor Council, Virginia Tech and the Va. Center on Rural Development (CORD). The I-81 Corridor Council is a coalition of five planning districts in western Virginia concerned with preserving the scenic value of the interstate corridor—rated one of the most scenic in America—while promoting local business. CORD provides innovation grants for rural studies that can serve as models. For information call CORD at (804) 371-2662.

Oct. 7 - 11, Miami: 46th National Preservation Conference, is on despite damage by Hurricane Andrew in August. Annual conference of the National Trust for Historic Preservation. Theme: Fostering Appreciation for Cultural Diversity. Workshops on property rights issues, livable communities, rural community planning, rural issues, growth management issues in Florida. Tours include one that focuses on "Rural Issues" in southern Dade County, an exploration of how to preserve agricultural communities that have retained historic elements. Registrations postmarked after Sept. 25 will be held for on-site processing. For information, call 1-800-937-6487.

Oct. 21 - 23, Orlando: 12th Annual Zoning Institute by the AICP. Designed to provide participants with things to do when they get back to the office. This year, sessions include Historic Preservation, Making Better Maps, Open Space Subdivision Design, Encouraging Infill Development and Small Town Centers and Highways. Call Margot Morrison at (312) 955-9100. After Sept. 30 arrange on-site registration.

March 14 - 16, 1993, Kansas City, MO: "The Next Generation of U.S. Agricultural Conservation Policy," sponsored by the Soil and Water Conservation Society. Sessions will assess how current agricultural conservation policies in the U.S. are working and identify priorities for legislation, including the 1995 farm bill. Preliminary program and registration materials will be available this fall. Call 1-800-843-7645 to be placed on the mailing list.

May 23 - 25, 1993, Snowmass CO: Land Trust Alliance National Rally '93. Likely the largest gathering of land conservation professionals and activists in the nation. Program features nationally known speakers, nuts-and-bolts workshops led by frontline practitioners, special events and tours. Conference organization last year in New Hampshire was outstanding. Registration information: (202) 785-1410.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

New Jersey adopts state plan, inserts policy on 'equity'

TRENTON, NJ — In the works since 1986, the New Jersey state plan was adopted by the legislature June 12. State and local officials, as well as private interests, agree that hammering out the State Development and Redevelopment Plan was a Herculean task that now only represents the beginning of a new way of thinking about growth in the Garden State.

The plan will divide the state into five broad planning areas: metropolitan, suburban, fringe, rural and environmentally sensitive. It will encourage municipal planning and zoning officials to bring their plans into line with the new state guidelines that emphasize protecting rural areas and directing new growth to already developed areas.

An attempt to establish legislative oversight for the implementation of the plan was defeated, but the state farm bureau succeeded in having an equity statement included in the policy framework of the plan (see accompanying story).

In an ironic twist, state budget cutting measures have resulted in a proposed 44 percent cut in the budget of the state planning office, a higher per-

centage than for any other state agency. The farm bureau sees the proposed cut as a response from key legislators who opposed the state plan and have control over the budget ax.

"The cut may in effect result in the equivalent of the legislative oversight bill," said Peter Furey, executive director of the state farm bureau.

John Epling, outgoing executive director of the New Jersey State Planning Commission, said the cut may not even result in layoffs, or affect the implementation of the plan. If the budget cut was a move to hinder implementation of the plan, Epling said, "they may have shot themselves in the foot," because the cuts could possibly result in the department's inability to respond to private sector requests for amendments, he said.

"The legislature in general is not opposed to the plan, obviously, but there are several people in key positions that don't understand the plan," Epling said about the budget cutting measure.

Epling, who has directed development of the state plan since its inception six years ago, will

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Florida farmland vanishing, law neglects ag, AFT reports

WASHINGTON, D.C. — Florida's Growth Management Act is doing little to stem farmland loss in one of the nation's vital agricultural states, and without stronger, more comprehensive farmland protection strategies, the state's \$6.2 billion farming industry will not survive, according to a 90-page report released by the American Farmland Trust, June 24.

The report says that while the 1985 Growth Management Act requires counties to limit urban sprawl, neither the Act nor the rules require or even mention specifically that farmland conversion should be avoided.

In addition, the report claims that while many planning departments and state agencies aspire to farmland preservation strategies, "very few poli-

cymakers and planners have the personal background or training to understand agriculture. As a result, agriculture, and its needs and impacts, are often misunderstood." Few understand the

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New Jersey state plan seeks more rational, efficient growth

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become executive director for the National Association of Regional Councils in Washington, D.C., effective in July.

Epling said the significance of the state's effort is that New Jersey is the only comprehensive plan state with a map and area designations. "We've come out well," he said.

The State Planning Act, signed into law in January 1986, called for coordinated investments in infrastructure statewide. The guiding premise of the state plan was that the public cost of supporting growth — the cost of infrastructure and public services — has been extraordinary largely because the planning function has not worked as it should. Instead of planning, governments at all levels have been merely reacting to rapid growth by providing the essential needs of new residents wherever new development occurred.

Another premise was that continued development could no longer be seen as economic progress, but rather as a fiscal strain, as over time the costs of development and redevelopment of infrastructure became increasingly burdensome.

To control run-away costs, the plan will coordinate planning at the municipal, county and state levels, to determine how best to spend public funds so that existing development holds its value and that new development will add to that value rather than harm rural areas or overburden existing communities. The state plan is, in effect, a statewide urban policy.

Local planners recognized early that the draft state plan provided a process for true bottom-up planning, because dialogue between county planning agencies and municipalities was the designated starting point. What followed was introspection: a careful interpretation at the municipal level of how current land uses, master plans and zoning ordinances could be used to project the future and help planners plan for it. All over the state, counties held scores of meetings with municipal officials and citizens in the process called cross-acceptance.

The draft state plan, which counties were responding to by 1989, was a call to save significant portions of the state's remaining farmland, to work toward a more efficient use of infrastructure, and to spur more sensible development that would recognize land and water resources as finite.

More than half of New Jersey's farmland disappeared between 1950 and 1987. In 1987 alone, 50,000 acres were lost. In this fact lay the most controversial aspect of the draft state plan. Suburban residents wanted a say in how their communities would look and function in the future, but landowners, particularly farmers, protested any restrictions on the use of their land.

Farmers and home builders opposed the plan because foregone sales of land for development would mean a loss of millions of dollars for landowners. Banning together, they pressed for an economic impact assessment to be made part of the state plan process. The study was undertaken by Rutgers University and released in March 1992. It did confirm that owners of agricultural land would stand to be the losers if they had been planning to enter the development business.

But if opponents hoped the study would predict harmful effects to the state's economic health, their strategy backfired. The study's primary finding was that the state's economy would benefit enormously from implementing the plan, saving billions of dollars as infrastructure was more carefully located and farmland saved from development.

Many see the state plan as the beginning of a more sensible, organized and rational approach to dealing with the problems of growth.

"The process has done a lot. It has made people rethink things and they're thinking more regionally, looking beyond the local community's interest," said Don Applegate, executive director of the State Agriculture Development Committee, which operates the state easement program. "There's always going to be concern of farmland owners about equity. But on balance, it's made farmers admit this does make sense. I'm not so sure that 10 years from now we'll look back and say June 12, 1992 was the turning point. The turning point has already come. The plan clearly recognizes agriculture as part of the infrastructure," Applegate said.

The state's easement program, which by 1993 will have spent about \$140 million for easements on about 24,000 acres, may not be affected by the state plan, Applegate said, although the Committee has not addressed the prospect. "The areas designated for agriculture encompass everything we've been working with anyway," he said.

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NJ state plan from previous page

Applegate said he expects farmers within the designated urban growth areas to be anxious about their chances in the program. "I think we'll get a lot of natural pressure from landowners in [urban] areas to get favored treatment. Some were concerned we would withhold from people in those areas. But I don't think the plan precludes us from being active there," Applegate said.

Tim Brill, assistant planning director for Cumberland County and liaison for the county Agricultural Development Board, said landowners still have concerns about how the plan will be implemented. Much of the impact of the plan would be through the permitting process, rejecting new roads and sewer projects that may conflict with the plan, an impact Gov. Jim Florio said could be expected in way of implementation.

"There are a lot of unanswered questions on how the plan will actually work its way into legislative and planning priorities," Brill said. "But the planning process has certainly benefitted us. We have people talking about long-term planning like they never did before. The dialogue we've maintained has been unparalleled. The process has allowed us to share visions we hadn't shared before. It has brought the ag community and planners closer together," Brill said.

Cumberland County proposed last fall that the state plan incorporate economic incentives to strengthen the farming industry. The development board, along with the county planning department and a consulting team presented a plan for establishing an agricultural enterprise district, which would use tax relief, regulatory streamlining, marketing, job training and access to capital to keep farming viable. Equity protection is emphasized in the agricultural enterprise district plan. Farmers would elect to participate for one, eight or 20 years.

The enterprise zone concept, Brill said, was referenced in the state plan as a possible tool for keeping agriculture viable, but was not embraced. Cumberland County is still hopeful the concept will gain wide visibility and acceptance, he said.

The Rutgers study predicted the state plan will save 127,000 acres of nonfarm land from development, reducing the number of acres to be developed from 292,000 to 165,000 through 2010. Without the plan, 108,000 acres of farmland would be developed, the study said. With the plan, 78,000 acres are expected to be converted.

Equity policy puts pall of uncertainty over state plan

TRENTON, NJ — A policy statement on equity adopted as part of New Jersey's state plan has made planners uncertain about implementation at the local level, according to observers who say state and local officials are confused about how to interpret and apply the policy.

The policy on equity calls for "protecting and maintaining the equity of all citizens." Where implementing the plan "affects the reasonable development expectations of property owners" agencies should mitigate such effects through programs such as those providing compensation, the statement says.

The state Planning Commission buckled under pressure from agricultural and development interests to insert the equity statement, according to Eleanor Campbell of the New Jersey Conservation Foundation. Campbell said the statement was carefully crafted to avoid the appearance of serving only the interests of farmers.

Campbell said the equity policy was inappropriate and unnecessary because the state plan is visionary, not regulatory. "We don't feel it's necessary. The government has always had the right to regulate property. State planning won't change what the government has always done. It will just create order," she said.

Some predict the equity statement will end up in court, partly because of its ambiguous use of the term equity, using the term in relation to fairness as well as to maintaining land values.

"The state Planning Commission provided very little guidance on how [equity] should be interpreted," said Mindi Jones-Gottsegen, of the Burlington County planning office. "The equity policy could be the Achilles heel of the state plan," Jones said.

Peter J. Furey, executive director of the state farm bureau and former planner, said he believes the equity statement should serve as a model for other states attempting to establish statewide planning under strong opposition from farmers and developers. Furey, who was instrumental in having the equity statement adopted, said the

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Conference address**Sustainable economy key to environmental protection**

WASHINGTON, D.C. — If the nation's resources are to be protected from further degradation and depletion, an environmentally sustainable economy must be achieved within the next few decades, according to former U.S. Senator Gaylord Nelson, counselor for the Wilderness Society.

Nelson, who founded Earth Day in 1970, was the featured speaker at a three-day conference on carrying capacity issues. The conference, sponsored by the Carrying Capacity Network, a nonpartisan, nonprofit clearinghouse, focused on population growth and resource conservation.

Nelson said that work toward a sustainable economy requires political coalition building. "A nationwide environmental education effort aimed at nurturing a conservation generation," must be created, and, presidential leadership that will create a unified effort to preserve resources is vital, he said.

"The president must be the catalyst that serves to coalesce the nation behind a positive program of action. No one else can do it," Nelson said. Nelson made no comment on his preference in the upcoming election.

Nelson said he is proposing that Congress undertake comprehensive hearings on carrying capacity next year, because "public debate on this issue is a priority of the first rank," he said. "We should be moving vigorously to stabilize our population, not increase it, and ultimately to match it to our carrying capacity. Any other course leads to a lower standard of living and a lower quality environment," he said.

Nelson said the past few decades have seen a steady increase in public concern for the environment and that the nation is "prepared to rally behind a program designed to begin the process of forging an environmentally sustainable economy."

The conference presented about a dozen concurrent panels and six plenary sessions, most focusing on national and international population issues. Panelists represented a spectrum of population control advocacies, from groups advocating negative growth to academics and political observers advocating American intervention to improve conditions in countries of heavy emigration. While

etcetera ...**Congress could set fate of New York tract**

Washington, D.C. — The fate of the New York metropolitan area's largest undeveloped privately-owned parcel could be in the hands of Congress and in the outcome of the U.S. Forest Service's recommendation that funds be appropriated for purchase of the tract, known as the Sterling Forest, a 21,000-acre tract in Orange County, N.Y. and Passaic County, N.J.

The Sterling Forest Corporation, owners of the tract, proposes to build more than 14,000 homes and eight million square feet of office space. The proposal is supported by local officials who say it provides 75 percent open space and will be good for the local economy.

Rep. Peter Kostmayer, chairman of the House Interior and Insular Affairs Subcommittee on Energy and the Environment, said the proposal's open space element will be ineffective in providing adequate environmental protection and habitat because the open space areas are not contiguous. Kostmayer also believes that because of the proposed density, degradation to water quality will result despite the open space feature.

At a recent hearing, witnesses including the U.S. Forest Service, Scenic Hudson, the Appalachian Mountain Club and the State of New York, urged that money be appropriated to preserve the tract, which makes up a significant part of the Highlands Region, and contains wooded ridges, lakes and wetlands. Passaic County recently acquired a 2,000-acre part of the tract for watershed protection.

In late June the House Appropriations Committee appropriated \$5 million toward the purchase, \$20 million less than requested by Kostmayer, and by Sen. Bill Bradley in the Senate. The full House was expected to act on the bill at press time.

The Sterling Forest Corporation has said it would consider a purchase price of between \$150 and \$200 million, according to a Kostmayer aide.

Ag in urban setting focus of new Pa. center

Reading, Pa. — The Rodale Institute and the Pennsylvania State University College of Agricultural Sciences has announced the creation of the Center for Sustaining Agriculture and Natural Resources in Urbanizing Environments (SANRUE). The center will support research on land use planning and policy and water resource management, as well as soil erosion and sedimentation and various farm management issues.

Research will focus on how farming operations can adapt to rapid urbanization to sustain agriculture economically and to protect the environment, according to Maria Van Hekken of the Rodale Institute, who will serve as associate director.

The USDA provided initial support for the center, and educational efforts will be provided through the Penn State Cooperative Extension programs. *Contact: (717) 263-9226.*

Supreme Court leaves both sides unsettled in Lucas case

Washington, D.C. — In a decision that has left both sides of the issue unsettled, the Supreme Court rejected the South Carolina Coastal Council's legal justification for denying building permits for the beachfront properties of David H. Lucas. But the court did not flatly rule that the state's action was a "taking" under the Fifth Amendment. That question, the court said, would have to be taken up by the South Carolina Supreme Court.

Lucas had paid nearly \$1 million for two beachfront lots on the Isle of Palms near Charleston in 1986, intending to add two new homes to homes already there. But soon the state enacted a law that prohibited any further development on its storm-prone coast. The Supreme Court ruled that Lucas needs to be paid unless the state can find ample justification in its statutes or common law for preventing harmful beachfront construction.

Observers are calling the ruling a virtual draw. While environmentalists say the ruling will apply to only a few extreme cases where regulations have denied all uses of a property, property rights advocates say a footnote in Justice Scalia's opinion invites future cases. That will add to the already busy docket of the U.S. Court of Claims, which reviews demands for federal compensation in takings claims. In 1991, that court saw 52 such cases filed.

Legislators and land use regulators could become unnecessarily cautious, environmentalists fear, and back off from programs or initiatives that curb development in wetlands and watersheds. Land protection advocates also say if the Supreme Court decides to take another case and broadens the definition of takings to include partial loss of value, land use laws could be significantly weakened.

Entropy "greatest single urban impact" in DE

Newark, Del. — Disorganization and an inability of legislators and interest groups to work together to improve land use policy is Delaware's barrier to addressing commonly acknowledged problems caused by rapid urbanization, according to a University of Delaware agricultural economist and land use observer.

"Entropy is the natural consequence of tremendous urban growth in Delaware and an automatic barrier to reaching agreement on solutions to problems. A rapidly increasing population, with disparate views and self-interests, finds it harder to reach agreement on many public policy issues including land use," writes Gerald F. Vaughn extension specialist at the University of Delaware.

Vaughn publishes a monthly essay through the extension service, and has observed state land use policies since 1960. Vaughn said the Delaware Association of Conservation Districts has become more involved in land use and community development in urban and suburban, as well as rural areas. Vaughn said the state's districts have been increasingly consulted by local governments on land use issues and even in site planning. *Vaughn: (302) 831-1223.*

Carrying Capacity, from preceding page

some participants advocated birth control education, more radical solutions included limiting immigration to no more than 200,000 per year. It is estimated about three million are entering the U.S. each year, one-third of them legally.

The 200,000 figure, advocated by Negative Population Growth, Inc., would represent replacement of the number of people emigrating out of the United States each year. The group also proposes giving a federal income tax credit only to those parents who have no more than two children, and eliminating the present income tax exemption for dependent children born after a specified date.

The premise for many population issue advocacy groups is that true environmental protection and resource conservation cannot be achieved until population growth is controlled.

Michael C. Collins, an environmental planner with the Thomas Jefferson Planning District Commission in Charlottesville, Va., told a plenary session that resource protection could be more effective when approached at the local level through land use and facilities planning.

Collins, one of only a few land use planners attending the conference, said he felt a lot of energy was going into theory and advocacies that don't apply at the local level, and urged participants to work with regional planners and local governments.

Collins said he had worked on a demonstration project that developed a build-out methodology for determining carrying capacity in Greene County, Va., and that such studies could be used to protect land and water resources locally and regionally.

The term carrying capacity evolved from environmental science, according to Mark Lapping, professor and dean of the School of Planning and Public Policy at Rutgers University. Lapping said the term originally referred to soils, hydrology and geology and how many buildings or homes an ecosystem could carry without degradation.

Then, recreational planners began using the term as they explored the idea of how many people a wilderness could absorb and still be a wilderness, Lapping said.

Lapping said the term has now been taken up by the sustainable development movement and population control advocates to relate population growth to resource depletion.

Florida agriculture in danger, AFT says

continued from page 1

economic importance of agriculture, the report states.

The study, prepared by AFT senior associate for program development Craig Evans, queried planning directors in all 67 counties last year and received 39 responses (58 percent), including most of the fast-growth and all of the top 15 agricultural counties.

Participants were asked about their concerns and efforts regarding farmland protection and preservation. The survey found that seven counties are considering or have proposed purchase of development rights programs and that 15 counties are considering or have proposed TDR programs. Three counties are considering land banking programs and four counties are considering or have proposed voluntary agricultural districts.

Five counties rated farmland protection as a high priority and 25 counties said it was one of many priorities. Thirty-two counties requested information on how to get help in developing land use plans, ordinances and local farmland protection options.

Despite its importance to the nation's agricultural production, Florida has the highest rate of farmland conversion in the nation, with about 150,000 acres lost each year. The report cited as causes for farmland loss: a burgeoning population, among the fastest growing in the nation; ineffective low density residential zoning in much of the state's farming areas; banking practices that encourage farmland to be zoned for development; farming interests unsupportive of protection initiatives and insistent on keeping land values high; time-consuming and costly state and local regulations that discourage innovation in agriculture; and, a lack of enlightened economic development initiatives that focus on strengthening the state's agricultural industry.

Population growth in Florida is "relentless," the report says. Florida contains 12 of the fastest-growing metropolitan areas in the nation, and population growth "particularly in Florida, has meant the loss of agricultural land."

Although low-density zoning is the most prevalent method of controlling development in rural areas, only seven of 67 counties use it effectively, the report said. The remaining counties using the technique have designated minimum lot sizes too small to protect farmland from encroachment. The report rates minimum lot size requirements for their effectiveness, ranging from under five acres as totally ineffective to over 40 acres as highly effective.

Prohibitions on the extension of public facilities and services and on residential subdivisions are also cited as effective techniques, not in protecting farmland, but in mitigating some of the effects of non-farm uses in agricultural areas.

Rural clustering and planned unit development are cited as ineffective unless they: consider the minimum acreage required to maintain a viable farm; require adequate distance between developments; locate homes on the least productive part of the parcel and as far removed from the farming operation as possible; adequate restrictions are put in place to prevent strip development between new

continue to page 7

legislative briefs ...

In Maryland ... Baltimore County passed a rural cluster provision for watershed and resource conservation areas (prime and productive soils, steep slopes, wetlands, stream buffers, forests, open space, or significant views and other natural or historic features to be protected). The bill provides for one house per acre on 30 percent of parcels more than 10 acres. The bill was opposed by conservation groups. *Contact Wally Lippincott, (410) 887-2904.*

In Delaware ... The new state PDR program has no criteria yet for ag districting, but funding for administration is well underway. The legislature has passed a bill that will channel funds from the state's ag transfer rollback tax to the Delaware Agricultural Lands Preservation Foundation. The funds are expected to provide between \$250,000 to \$300,000, 90 percent coming from New Castle County, the state's northernmost county. The bill awaits the governor's signature.

In New Jersey ... A request by the State Agriculture Development Committee for \$100 million in a bond referendum this November has been reduced to \$50 million. The Committee is also preparing a request for \$20 million for easement purchases, the balance of funds available from the 1989 bond issue. At the end of June, the state program had closed on 110 farms, totaling 16,132 acres, according to Gail Harje, (609) 984-2504.

In New York ... In a "demolition derby" of bills focusing on agricultural preservation, an agreement between Gov. Mario Cuomo and the legislature has resulted in a law strengthening right-to-farm legislation, but establishing no farmland preservation program for the only Northeast state without PDR. The bill will authorize counties to develop Agricultural and Farmland Protection Boards and create specialized farmland protection programs and provide for the creation of an agricultural district data base to improve farmland preservation policymaking. A bill

sponsored by the governor would have provided for a policy to encourage county planning to develop strategies for protecting farmland. The governor's bill would have provided financial and technical assistance to encourage farmland retention programs and initiatives. A failed bill introduced at the request of the Commission on Rural Resources would have required that neighboring farmers be notified of subdivision proposals, site plans, special use permits or use variances on adjacent lands. The Commission's bill would have also required that development proposals include an "agricultural data statement" on farms within 500 feet. *Rich Bennett, (518) 455-2892.*

In California ... The Assembly Local Government Committee passed three bills relating to growth management. One bill will create incentives for public works financing according to four land use tiers: 1) priority for economic revitalization; planned development areas; urban reserve areas; and resource conservation and environmental protection. The new infrastructure financing will be administered by the newly established California Public Improvements Authority. Another bill establishes a San Francisco Bay Area regional growth management plan. A third bill, sponsored by the farm bureau, calls for local planning that provides better consideration of agricultural needs, including buffer zones. *Copies of bills, call FPR, (410) 692-2708.*

In Massachusetts ... The House budget provides for \$4 million in general appropriations for the state's PDR program. The Senate's budget provides nothing for the program, but a conference committee will convene ... HB960, which would provide an additional \$25 million in authorization has been set aside.

In Congress ... An appropriations bill that would provide \$5 million toward preserving Sterling Forest (see story, page 4) had been scheduled for a House vote but has been delayed ... A bill to revise the federal tax code to better favor farmland preservation will soon be heard by the Ways and Means Committee. The bill is sponsored by Rep. Peter Kostmayer of Pennsylvania. □

Florida, from preceding page

developments; new residents must not be able to place restrictions on the farming of remainder open space. The report also says that use of PUDs and clustering ordinances should be accompanied by mapping.

The American Farmland Trust, since its inception a decade ago, has advocated the use of purchase of development rights as the only true farmland preservation technique because deed restrictions are not subject to political change. The organization also advocates use of various techniques to protect farmland from encroachment. The study provides a list of techniques Florida local governments can use to protect and preserve farmland, including the establishment of PDR programs.

The Florida study is a product culminating from AFT's activities in the state since 1991. The organization plans to develop and urge the state to adopt a farmland conservation policy, to assist state and county agencies in developing and implementing protection techniques, and to work directly with landowners who want to preserve their farms.

Last fall the AFT organized a farmland protection conference in Metro-Dade County sponsored by the Board of County Commissioners. The purpose was to explore options for farmland protection and provide a catalyst for plan and policy development. More than 150 conservationists, planners and elected officials from seven counties participated. The AFT has been asked to organize similar conferences in four other counties.

But the AFT could be in for some uphill battles, according to Charles Pattison, director of the Division of Resource Planning and Management in the Department of Community Affairs, the state's planning agency in charge of implementing the Growth Management Act. Pattison said that farmers in the state have a strong anti-government bent and have produced literature on the Growth Management Act that includes a list of "things to watch out for." One of them, Pattison said, is "farmland preservation."

"Who's a farmer and who's a developer is a question around the country, and more so here," Pattison said.

Pattison, formerly with the Nature Conservancy, said local governments are the key to farmland protection in Florida. "Local governments have total legal authority to put in any restrictions. You've got more flexibility in this state to do that probably than in any state on the eastern seaboard," he said.

Pattison agreed with the AFT findings that the Growth Management Act does not provide guidance on farmland protection and that planners in the state lack a knowledge of agriculture. Despite the state's standing in national food production, there are no agricultural planners within the DCA, and "given the funding constraints I doubt we would ever add that kind of expertise," Pattison said. The DCA, however, would welcome increased involvement from the AFT and other land conservation organizations, he said. *Contact: Gary Kozel, AFT, (202) 659-5170. Pattison, (904) 488-2356. Read More: See page 8 for information on the AFT report. For information on Growth Management Act, call DCA at (904) 487-4545.*

Equity, from page 3

statement "is a foothold germane to property rights" and that it would "facilitate land use planning because it lessens farmers' fears."

"We did a lot to reassure ourselves with the equity statement, but still, vigilance is required," Furey said.

Furey added that the equity statement is not as powerful as press coverage has made it out to be, but that the objective was to assure that planning and zoning officials use "thoughtful application" when implementing the land use aspects of the plan. "Maybe they will be more selective, more deliberative," he said.

David F. Moore, executive director of the New Jersey Conservation Foundation, said in a paper he authored in April that the state plan merely articulates policy to guide state, county and local governments in land use and in capital expenditure, encouraging coordination. Any change in zoning will still be up to local governments, he said. In addition, the fear of farmers that land values would be affected has no foundation, Moore said.

"There is no evidence at all that farmland prices will suffer a decrease over present values as a result of the plan; indeed what evidence there is points in the upward direction."

The American Farmland Trust is working to encourage banking institutions in Florida to stop using farmland development value as the basis for loans to farmers. The organization believes the same banking practice occurs in New Jersey.

In a recently released study, the AFT said statewide planning policy in Florida has the responsibility to recognize the resource value of farmland as opposed to the commodity value, that is, the dollar value of crops it produces, the price per acre it can bring for development, and its resale value after improvements.

"Farmland ... is unique in that it has both a commodity value and a resource value ... Resource values provide for steady, long-term returns. Commodity values fluctuate with the market ... " providing large, short-term returns.

The AFT report says that continuing to neglect the resource value of farmland will result in a significantly diminished agricultural industry in Florida that "may eventually disappear." Contact: Eleanor Campbell, (201) 539-7540. Read More: Ask for a copy of the Policy on Equity statement and a copy of David Moore's paper "Farmers and State Planners Share Common Goals." For information

on receiving a copy of the AFT study, see Resources.

Carrying capacity, from page 5

The American Planning Association has defined carrying capacity as "the ability of a natural or man-made system to absorb population growth or physical development without significant degradation or breakdown." The Carrying Capacity Network defines carrying capacity as "the number of individuals who can be supported without degrading the physical, ecological, cultural and social environment, i.e. without reducing the ability to sustain the desired quality of life over the long term."

National groups concerned with resource conservation have varying perspectives on population growth. The National Audubon Society "developed a full population policy ten years ago," according to Brock Evans, a veteran environmental lobbyist. But many conservation groups do not cite population growth as a concern.

The American Farmland Trust, the leading national organization concerned with farmland loss, acknowledges that population growth creates development pressures on farmland, but does not advocate population or immigration control. A recently released study by the AFT on farmland loss in Florida (see story, page 1) cites population growth as a factor.

The conference's emphasis on population was "not by design," according to Dale Didion, executive director for the Carrying Capacity Network. He said many of the speakers are experts in agriculture and technology and that the network will seek increased participation by environmental groups as well as by land use planners.

The Carrying Capacity Network was founded by members of the Sierra Club about three years ago, according to Didion. Contact: Dale Didion; (800) 466-4866.

resources ...

Publications

• **Planning for TDR: Handbook for New Jersey Municipalities**

By Mindi Jones-Gottsegen
New Jersey Conservation Foundation, (approx.)
100 pp \$10

Written by a veteran TDR planner, this handbook's usefulness goes beyond New Jersey municipalities, and will answer questions to many

of the difficult nuts and bolts problems in the transfer of development rights. Gottsegen worked for two years putting together a TDR plan for Chesterfield Township in Burlington County, a plan that other townships are using as a model. The handbook will be available in about a month. Call (609) 265-5787.

• **Florida's Growth Management Plans: Will Agriculture Survive? A Report on the Impact of Continued Population Growth on Florida's Farmland**

By Craig Evans
American Farmland Trust, June 1992

This 90-page report warns Florida officials that the state's \$6.2 billion industry could be on the way out unless they act quickly to develop and implement a comprehensive and effective farmland protection and preservation program. Easy to read format includes "executive summary" instructions for reading key pages. A 10-page supplement on the impact of regulations is included. Call Gary Kozel, (202) 659-5170.

• **Growth Management 2000: Making it Work**
1000 Friends of Florida \$20

Describes history and current status of how Florida is dealing with population growth and urbanization through its Growth Management Act. Call (904) 222-6277 or write P.O. Box 5948, Tallahassee FL 32314.

Conferences

August 9 - 12: Baltimore, Md. Resource Management in a Dynamic World, the 47th annual meeting of the Soil and Water Conservation Society. Program includes five plenary sessions, 34 concurrent sessions and more than 100 presenters. Sessions include: Adoption of Soil and Water Conservation Practices, Regional and Community Impacts of Conservation Efforts, Groundwater Movement and Protection, Wetland Management, and a session on PDR. Call (515) 289-2331.

Sept. 29: Roanoke, Va. "Strategic Development of Western Virginia: An Investment in Tomorrow" sponsored by the I-81 Corridor Council, Virginia Tech and the Va. Center on Rural Development (CORD). The I-81 Corridor Council is a coalition of five planning districts in western Virginia concerned with preserving the scenic value of the interstate corridor—rated one of the most scenic in America—while promoting local business. CORD provides innovation grants for rural studies that can serve as models. For information call CORD at (804) 371-2662.

Oct. 7 - 11, Miami; 46th National Preservation Conference, sponsored by the National Trust for Historic Preservation, the National Park Service and the Florida Dept. of State, Division of Historical Resources. Theme: Fostering Appreciation for Cultural Diversity. Several workshops on property rights issues, livable communities, rural community planning, rural issues, growth management issues in FL. For registration information, call 1-800-YES-NTHP.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Rural clustering no farmland preservation tool, panel says

WASHINGTON, D.C. — Panelists presenting a workshop on rural clustering at the annual conference of the American Planning Association said clustering in rural areas may not preserve farming or farmland, and is better directed at preserving open space and rural character.

The panel was moderated by Randall Arendt of the Natural Lands Trust, whose work on the rural cluster concept has spurred many localities in the eastern United States to draft ordinances that promote the open space zoning technique.

The rural cluster technique sites homes in a way that leaves a significant percentage of a parcel in open space for homeowners' passive or recreational use, or for lease to farmers. Some open space zoning advocates have promoted rural clustering as a farmland preservation tool, but professionals in farmland preservation say the technique is another form of sprawl that will create conflicts between residential and agricultural uses. The panelists unanimously agreed it should not be considered a farmland preservation technique.

That point was aired when Arendt and the six

panelists came under fire from Baltimore County, (Md.) rural areas planner Michele LeFaivre, who said rural clustering would not preserve farmland, but would create conflict for farmers and facilitate the demise of local farming economies.

LeFaivre said regardless of the objective, clustering in agricultural areas would damage rural communities. LeFaivre said Baltimore County was about to introduce a rural cluster provision, and that the initiative was considered by some to be in conflict with the county's farmland preservation efforts.

In response, several of the panelists said their localities were not using rural clustering as a farmland preservation technique, but to help preserve rural character for communities experiencing rapid transition. Arendt said it should be considered a technique of last resort where zoning and techniques such as the transfer or purchase of development rights were not effective.

"Anyone who claims rural clustering is a cure

please turn to page 2

Bioregional planning: transcending political boundaries

WASHINGTON, D.C. — Land is a resource, not a commodity, Keane Callahan, of the law firm of Robinson & Cole, told a workshop audience at the APA national conference last month. Callahan, who serves as the Connecticut firm's senior environmental planner, was a speaker on a panel discussing bioregional planning in Connecticut and New England.

Callahan, one of five panelists, defined bioregionalism as transcending political boundaries to apply sensible planning and resource management to whole ecosystems. In land use planning, criteria for delineating a bioregion would include a study of plant and animal species, watershed and subwa-

tershed areas, land form, and the human element of land use patterns, infrastructure characteristics and the regulatory framework.

"We have a responsibility to manage our

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Rural clustering workshop**Saving land, rural character 'separate and distinct agendas'***continued from page 1*

for the decline of agriculture is only very, very partially correct," Arendt said. During his presentation, Arendt described an open space development in Bucks County, Pennsylvania, just north of Philadelphia, where 300 homes were placed on 300 acres in 1/2 acre lots, leaving 150 acres of permanent farmland.

With its \$300,000 homes, the subdivision, called Farmview, is the most successful in the county, he said, and has spurred two other local developers to pursue the design.

Arendt said that it was "not the best farmland preservation technique in the world, but in an urban area it will preserve open space and the opportunity for some farming to adapt in the coming decades."

"Maybe in 50 years [the open space] will be a woodland, wildlife habitat, and maybe the farmland use will be out. Maybe it will be a gentleman farm, maybe it will be a nursery, or some other agricultural use like pick-your-own strawberries or blueberries, who knows? But at least its not one-acre house lot after lot. There will be open space there for trails and woods if the agriculture doesn't survive," Arendt said.

Panelist Tony Redman of Redman/Johnston Associates in Maryland, who has consulted on rural clustering development design in Maryland and Virginia, said he agreed that farmland preservation was not the proper objective of rural clustering.

"Agricultural preservation and rural character protection are separate and distinct agendas. Clustering by definition brings residential intrusion into agricultural areas and as soon as you do that you have conflicts," Redman said.

Charles Bevelheimer, assistant planning director for Livingston County, Michigan, said his department's open space zoning initiative, which he outlined at the workshop, acknowledges the potential of preserving farmland through the technique, but said in an interview after the conference that "most local folks are not interested in farmland preservation but in protecting the landscape," and that the farmland preservation standpoint was not used in promoting the technique to the county's 16 townships. One of those townships has adopted the open space development tech-

nique, and others have expressed interest in the concept, he said.

Beverheimer said about three-quarters of his county's townships are predominantly agricultural but rapidly becoming residential. Livingston County's population stands at about 115,000, and more than half of the county's residents commute outside the county to work, to the metro areas of Detroit, Ann Arbor, Lansing, and Flint.

Tom Daniels, executive director for the Lancaster County (Pa.) Agricultural Preserve Board asked two panelists from Montgomery County, Pa. whether townships in that county's western areas, farthest from the Philadelphia suburbs, had attempted to preserve farmland through zoning.

Monica Drewniany, associate director of the Montgomery County Planning Commission, said farmland preservation was not the purpose of the county's Land Preservation District, or LPD, which features rural clustering.

"The purpose of the LPD is not agricultural preservation. It's an attempt to try to save some elements of the existing rural character. If some kind of farming can take place in that 75 percent open space, OK, but that is not the purpose of the district," she said.

John Cover, also of the Montgomery County Planning Commission, said that effective agricultural zoning, such as the 25-acre zoning in Lancaster County, was not considered for Montgomery because in a county with over 500,000 people, political leaders believe such zoning would not be upheld in the courts, even though it has twice been upheld in the state, according to Daniels, with one case in densely populated Chester County.

Montgomery County was the subject of controversy last fall when its Agricultural Land Preservation Board approved an easement in the state program costing \$2.5 million on a 169-acre farm with public water and sewer available. *Contacts: See accompanying story, next page.*



Rural cluster panelists detail initiatives in four states

Washington, D.C. — More than 100 American Planning Association conference attendees packed a workshop room at the APA's annual conference in Washington to hear panelists describe open space zoning or hamlet ordinances that have been initiated or adopted in localities seeking to preserve rural character. The panelists described the efforts of localities in Michigan, Pennsylvania, Virginia and Maryland.

Phenomenal growth in Montgomery County, Pa., led the county planning commission there to adopt a land preservation district with model zoning provisions that can be applied by townships as a mapped or overlay district. With the commission's recommendation that the provisions be mandatory, the district calls for 75 percent open space. The district would provide for "the rural hamlet or the garden suburb of the 1920s and 30s" with "human scale" elements such as narrower streets, large shade trees, sidewalks and garages located to the rear or side of the houses.

In Livingston County, Michigan, an open space zoning initiative to "Protect Environment, Agriculture and Rural Landscape" (PEARL) was devised last year. The initiative calls for at least 50 percent of total area in open space and a maximum of 10 homes with no excep-

tions. A buffer zone of 100 feet is required between residential and ag uses and on road frontage, said Charles Bevelheimer, assistant planning director.

The Loudoun County, Va. rural village and rural hamlet ordinances and the Kent County, Md., enclave options were presented. Several Loudoun County hamlets have been approved, said Richard Calderon, planning coordinator, but none have yet been built. Andres Duany served as consultant.

The Kent County, Md., enclave design option was adopted last year but has not yet been used.

Read More:

- *Montgomery County, Pa., Director, Arthur Loeben: (215) 278-3722. Ask for the LPD Model Zoning Provisions and the Land Development Standards. Also available: Guidelines for Successful Homeowners Associations; Guidelines for Open Space Management in the LPD; Sewage Treatment Alternatives for the LPD.*

- *Loudoun County, Va., Planning Coordinator Richard Calderon: (703) 777-0246. Ask for the summary of the Rural Village and Hamlet Ordinances.*

- *Kent County, Md., Dennis Superczynski: (410) 778-4600. Ask for a copy of the enclave provision for agricultural districts in the zoning ordinance (6 pages).*

- *Livingston County, Mi., Charles T. Bevelheimer, (517) 546-7555: Ask for the PEARL Provisions for Open Space Zoning and the PEARL Design Manual.*

AFT establishes center for policy, conservation research

WASHINGTON, D.C. — A center for the study of agricultural conservation issues will be established at Northern Illinois University in DeKalb under an agreement with the American Farmland Trust. The facility, to be called the Center for Agriculture in the Environment, will be the focal point for AFT's public policy research, according to Gary Kozel of the AFT.

The center, whose director has not yet been selected, will also house the AFT's sustainable agriculture on-farm research and demonstration program, which won a citation and award from President Bush last fall for its innovative work with farmers. The AFT's midwestern office will remain in Chicago.

In addition to public policy research that will assist the AFT's legislative development efforts in Washington, the center will increase AFT's local government assistance capability. The AFT has assisted local governments in development of model ordinances, review of land use plans and analysis of the fiscal impact of farmland loss. The

center will produce a handbook for Georgia farmers and elected officials that describes land use planning tools and farmland protection techniques. The center will also be conducting a survey of local conservation attitudes in Rappahannock County, Va., for its Board of Supervisors.

The center's location will be a boon to Illinois farmland protection efforts, said Steve Chard, chief of the Bureau of Farmland Protection in the state department of agriculture.

"We're excited about the center. We anticipate the center's research findings will be helpful in demonstrating the need to protect agricultural land from needless conversion at the federal, state and local levels."

Chard said he anticipates a good working relationship with the Center in legislative development efforts. "We intend to actively coordinate with the Center," he said.

The center's creation culminates a decade of cooperative research work between the AFT and the university. *Contact: Gary Kozel, (202) 659-5170.*

Farmland protection on the move in Ontario

WASHINGTON, D.C. — Agricultural land protection policy in Ontario could be overhauled, and the direction policy takes is in the hands of the people, according to Christine Dukelow, manager for rural community development for Ontario's Ministry of Agriculture and Food.

Dukelow was a panelist for a workshop on rural policy development at the national conference of the American Planning Association last month.

Dukelow said a position paper on land use policy in agricultural areas is now being released, and will be followed with a series of workshops and public forums. "Through those we will determine what kind of direction the policy for land use planning will take in Ontario," she said.

Dukelow said that policy formation would begin at the community level and what results will be the will of rural residents. "How we're doing it is going back out to stakeholders and asking them what kinds of things they would like us to consider when we develop policy. The position paper was developed by 18 stakeholders, she said, "including farm people and local municipal officials, and they put together a policy paper that involves options [such as] land trusts and sharing resources."

In 1976, Ontario released its "Strategy for Ontario Farmland", which declared a commitment to maintain a strong agricultural economy and a rural way of life, and announced measures to ensure that prime farmland in each community was preserved for agriculture. At the same time, policies were established to assure that agricultural use would remain economically feasible in those areas.

Two years later, the government released "Food Land Guidelines" to assist local governments in preparing plans or amendments that affect rural land. In addition to outlining methods for identifying and designating prime lands, the guidelines suggested policy for land use or zoning bylaws, and subdivision and lot size policies.

However, the guidelines were never enacted, said workshop panelist Barry Wellar, professor of geography at the University of Ottawa.

"They were subject to a variety of interpretations, so you had lawyers, planners, geographers and economists and agrologists arguing what the

etcetera ...

Study Clean Air Act, Congressman tells planners

Washington, D.C. — Planners have new authority and new responsibility in the area of transportation that will require a thorough knowledge of the Clean Air Act and how it relates to local planning, according to Rep. Robert A. Roe of New Jersey, luncheon speaker at the American Planning Association annual conference in Washington, D.C., May 12.

Roe is chairman of the House Public Works and Transportation Committee and was a strong advocate of the Intermodal Surface Transportation Efficiency Act, or ISTEA, passed by Congress last year. The act significantly broadens the transportation planning authority of metropolitan planning organizations (MPOs), and revolutionizes the way in which transportation funding will be used, with public transportation receiving more emphasis than in the past. The law directs that half of funds be used for alternative transit.

Roe told the gathering that planners would need a solid understanding of the Clean Air Act because it would be closely linked with transportation planning.

"The fundamental underpinning of the transportation legislation is the Clean Air Act. Therefore, if you're going to be able to plan what you do in the MPOs and how you're going to allocate your capital and what projects you're going to approve, you must thoroughly understand what the Clean Air Act says and does," Roe said. "Is that a planning process? You'd better believe it is. Because you're going to determine what type of transportation will be allowed to be built and what programs will be prioritized."

Roe said using the ISTEA law is the most powerful way planners now have to protect the environment.

Farmland preservation panel a bid for APA 93

Washington, D.C. — Farmland preservation could be the topic of a workshop at the 1993 American Planning Association conference in Chicago, if a bid for space on the extensive APA workshop roster is successful. The workshop would be coordinated by *Farmland Preservation Report* editor Deborah Bowers, who told the chairperson of APA's Small Town and Rural (STaR) Planning Division that the topic seemed pertinent after this year's roster included several bioregional planning-related sessions. Bowers made the motion at the division's annual meeting during last month's APA national conference in Washington.

The workshop would likely focus on the fiscal benefits of preserving farmland and farming and preservation efforts in the metropolitan Chicago region. The workshop would highlight recent studies in northeastern Illinois that demonstrate the fiscal effects of sprawl and farmland loss, Bowers said.

Other potential workshops to be coordinated by the STaR Division next year include forestry issues and planning for cultural diversity in rural areas.

The division has about 600 members and publishes a quarterly newsletter.

IRS ruling on like-kind confirms broader definition for real estate

Lancaster, Pa. — A second IRS private letter ruling requested by the Lancaster County Agricultural Preserve Board has confirmed a broader definition of real estate eligible under like-kind exchanges. The like-kind exchange enables a landowner to invest easement proceeds, through a qualified intermediary, in real estate, therefore avoiding capital gains tax.

The ruling confirms that any kind of real estate could be exchanged for the easement proceeds, not just another farm. A farmer selling an easement to the state or county could, for example, use the easement money to purchase apartment buildings as an investment.

Last January, the IRS confirmed in a private letter ruling to the Lancaster County board that landowners could use conservation easements in a like-kind exchange, and defer, if not avoid, capital gains tax.

Two like-kind exchanges completed in Lancaster County involved only farms, but the potential for real estate investment could strengthen the local farming economy, according to Tom Daniels, director of the Lancaster County board.

Since the original ruling, at least six like-kind exchanges have been initiated in three Pennsylvania counties, according to Fred Wertz, administrator of the state farmland easement program. *Wertz: (717) 783-3167.*

Rural land use no star for APA's STaR Division

Knoxville, Tn. — Economic development issues and a visioning process for small town and rural planners will be the focus for the American Planning Association's Small Town and Rural (STaR) Planning Division over the next two years, said newly elected president Nancy Brown of the Tennessee Valley Authority (TVA).

In an interview following the APA national conference in Washington, Brown said rural land use was not her expertise, but that farmland preservation and rural land use strategies would be a part of a larger vision for rural America.

A division program to be coordinated at the state or regional levels within the division could result in a consensus among rural and small town planners on what problems should be addressed on the larger scale, Brown said. The program would have planners use census data to define rural America and then to create a vision for what rural areas and small towns should be, she said.

Although her expertise is in economic development, Brown has been participating in Design Tennessee, a program that is working on a prototype of the Connecticut River Valley planning model for the Tennessee Valley, a difficult task, she said, because of the state's "crazy quilt" of land use regulations. TVA is one of six program sponsors.

Brown said that while the visioning process may determine the need for a rural land use focus within the division, she didn't feel a formal advocacy exists for rural land use planning. "Land use is the orphan at this point. It is something people are only concerned about in a NIMBY situation ... who's out there pushing rural land use planning? In terms of a larger group, it's not the issue," she said. Brown said rural and small town people in Tennessee are concerned about economic survival. *Brown, (615) 632-7358*

Ontario, from preceding page

terms mean't. I think the realization was that that was a multi-million dollar hearing that should never have been held at all. ... I think that was part of the reason why the current government has moved to rewrite and revise the terms and make them far more definitive than they were before." Wellar said the current objective is to tighten up language in the legislation.

Last year, associate director for the Ministry's Land Use Planning Branch, TONU Tosine, visited several state and local governments in the United States to gather data on successful farmland preservation methods. Tosine said that the current process of reviewing applications for severances in Ontario had failed to protect rural areas, and that in 1989 alone, 14,000 applications for farmland severances were reviewed. Nearly all were approved.

Dukelow said that between 1981 and 1986, 51,000 acres of prime farmland in the southern part of the province were converted to other uses near the 26 largest urban centers, and that the number of applications received for land severances had nearly tripled between 1978 and 1989. In Ontario, more than 200 commodities are grown on less than 10 percent of the land base.

"With increased pressures arising from urban expansion, the interest the public is taking in environmental issues, and the current economic hardships faced by farmers, we recognized that our method of protecting this land needed an overhaul," she said.

The Ministry has introduced long-term finance and investment initiatives to help strengthen the farming industry and "to contribute to the overall health of the rural economy," Dukelow said. The Ministry is also assisting in the creation of farmers markets and cooperatives, and administers a leadership training program for agriculture careerists. Participants, most of whom are full-time farmers, study trends in national and international trade, consumer and social issues, and communication and organization skills. The program accepts 30 new students per year and functions as a network.

Contact: Christine Dukelow, (519) 767-3528. Read More: Ask for A Report of Consultations Regarding Rural Community Development (a summary of public discussions on rural concerns); Food Land Guidelines (about 30 pages); Growing Together: A Vision for Canada's Agri-Food Industry. FAX: 519-824-6941.

*Bioregional planning***Beyond political boundaries, concepts***continued from page 1*

resource not just for our own use, but for itself," Callahan said.

Callahan said that planners should be ready to respond to critics who charge that planning based on geographic and biological factors ignores economics. "Does it lack an economic aspect? In a sense it does. Its purpose is to provide environmental protection. But it is an ideal approach to mesh economic development and environmental protection," he said.

Promoting bioregional planning in Connecticut has been an exercise in frustration, Callahan said. The state has 15 regional planning councils that have no regulatory or statutory authority to require environmental planning of the state's 169 town governments, or to require that regional concerns be incorporated into local land use decisions.

Callahan proposed in 1990 that the state redelineate the geographic areas of planning agencies to reflect bioregions, and created a map showing possible council areas based on bioregional criteria, most reflecting watersheds. Callahan gave the council areas names that reflected the watersheds or the prominent topography. One council area name honored a Native American tribe.

Along with new delineations based on the bio factors, Callahan called for more regulatory authority for councils to address regional effects of local development proposals, and for municipal planning and zoning commissions to be required to consider the regional impacts of their decisions.

Callahan said the concept should be introduced to the public in a way that would get people thinking of their communities or regions in terms of their bioregional identity instead of typical political boundaries. In addition, citizen planning initiatives should be encouraged to take a bioregional approach, Callahan said.

Callahan and colleague Charles Wolfe described the Blackledge River Watershed Committee, a group of citizens from five towns located in the watershed. A corridor paralleling the Connecticut River, the 39-square-mile area is a good example of a bioregion, Wolfe said, because "the watershed reflects a regional character unified not only by water, but also by its associated landscape and history." The Committee proposed revisions to zoning regulations for the five towns, and a watershed overlay district.

Jim Murphy of the Connecticut Department of Environmental Protection said bioregionalism "avoids the flat earth approach," and is "an interdisciplinary and multi-dimensional approach to resource protection." Murphy said his agency has become "a support group for local planning," and described a group of local planning boards sharing common boundaries that were unaware of significant wetlands that traversed their political boundaries or that they shared a common drainage basin. The department became "an ombudsman for

*continue to next page***legislative
briefs ...**

In New Jersey ... The long-awaited state plan final draft is expected to be approved June 12. The state office of planning is working with agricultural leaders on a statement of equity. Opponents to the plan recently introduced a bill that would create legislative oversight ... the State Agriculture Development Committee's request for \$100 million in bond appropriations has not moved.

In Connecticut ... The farmland easement program was granted its request of \$3.5 million in bond appropriations and its request for authority to buy farms in fee simple. The fee simple option was capped at \$2 million and must be used within one year.

In Maryland ... The Md. Agricultural Land Preservation Foundation voted to combine '92 and '93 fiscal year monies and provide \$5.1 million to the 172 applicants on hand. Those that do not receive offers when the funds are used, will be invited to participate in the upcoming round by signing a statement of participation. Current funds stand at \$7.6 million for fiscal '93 and \$3.5 million in unsold bonds for fiscal '92, according to Paul Scheidt, program administrator, (301) 841-5860

... In Baltimore County, a rural cluster provision has been introduced for the county's RC4 zone, which allows one building right per five acres. The objective is to protect watershed areas, according to Wally Lippincott, rural planner and administrator of the farmland preservation program ... **In Harford County,** a rural plan will be introduced to the county council this month that includes a conceptual plan for TDR, a local easement program using the installment purchase approach, and a cluster design provision.

In Washington ... Clallam County, on the state's Olympic Peninsula, passed a cluster ordinance in April that reduces allowed densities in agricultural areas from one unit per

five acres to one per 30 unless clustering is used. The density penalty approach was supported by the county's powerful timber industry.

In Oregon ... The Land Conservation and Development Commission will hold statewide hearings this month on its proposed amendments to the state agricultural and forest land policy. The changes would create three categories of agricultural lands: high value farmlands, important farmlands and small-scale resource lands. Since 1973, all agricultural lands have been protected through exclusive agricultural zoning. The key statutory standard for approval of a nonfarm dwelling in the exclusive farm use zone is that the parcel must be "generally unsuitable for the production of farm crops and livestock," making all new dwelling proposals go through a conditional process. Under the LCDC proposal, parcels could be given one building right, by right, according to *Mitch Rohse*, (503) 373-0050. The amendments will allow more opportunity to build on agricultural lands that are least suitable for commercial agricultural use.

In California ... Marin County voters soundly defeated a ballot measure June 2 that would have created a four-year \$25 per parcel annual tax to fund open space and farmland preservation. Half of the estimated \$8 million that would have been collected would have been used for farmland protection through the Marin Agricultural Land Trust ... No growth management or land use related bills are moving. Legislature is in session to July 3, and then breaks until it convenes an August 3 - 31 session.

In Iowa ... House bill 2261 died in the House Ways and Means Committee. It would have created an easement program to protect bluffs along the Mississippi and Missouri rivers.

Bioregional, from preceding page

the basin," he said.

Callahan noted that "the seeds of bioregionalism" were being planted around the state in at least a half dozen commissions and committees.

California's Bioregional Initiative

Last fall officials from 10 state and federal environmental agencies in California signed an agreement to coordinate efforts to protect biological and natural resources. The coordinated approach, which created the California Council on Biological Diversity, was likely the first time state and federal agencies joined in an effort to protect natural resources across administrative boundaries.

The move is an attempt to end fragmentation and duplication of efforts to protect wildlife and plant habitats and to initiate regional plans for long-term conservation. Local planning should be facilitated by this "strongly pro-active bioregional approach," according to the state Resources Agency, headed by former Conservation Fund vice president Doug Wheeler.

The plan calls for the establishment of bioregional councils that would work with citizen groups in a coordinated planning process.

"What's unique in California is that the leaders have acknowledged a need for change in the way to handle the environment and natural resources," said Al Wright, associate state director for the U.S. Bureau of Land Management.

"One of the biggest challenges is how we are going to balance resource protection and productivity," he said. Wright noted that the bioregional process "doesn't work from the top down. It's clear people are willing to come to talk about the issues. It takes patience and perseverance to make these things work."

Robert A. Ewing of the California Department of Forestry said one of the most pervasive problems to be faced in implementing bioregional planning in California is public perception that another layer of government has been formed. Ewing said that with two recent earthquakes, the drought, a staggering economy and "newspapers asking whether California is governable," it's "an inopportune time" to introduce another governing concept.

"Bioregional planning is definitely political. Without state and local support it won't go anywhere," Ewing said. But the ultimate aim of bioregional planning is to "reunite people in urban and rural areas," he said.

Carl D. Rountree, chief of planning and environmental coordination for the U.S. Bureau of Land Management, said bioregionalism has been called "the new paganism" and "the B word." Ewing said "the new paganism" refers to "trying to put people and animals on the same plain."

Contact: Keane Callahan, (203) 275-8200. Read More: Blackledge River Watershed: Proposed Revisions to Inland Wetland and Zoning Regulations and the Plan of Development, available from K. Callahan. Ask also for a copy of talk given by Callahan's colleague, Charles Wolfe.

APA conference quotes

Vision and Leadership

"Each of us has to emerge from wherever we are and look around the horizon. That's what they call the vision thing — the ability to look over the horizon. Vision should not be equated with truth ... Vision can be an unfounded conviction based on inadequate evidence. Vision is something you see that's possible, plausible and separable from what we now have ... it means foresight ... to get out somewhere upstream and scout ... that's the purpose of planners, that's the ability we have to scan the horizon and to exercise our knowledge of what might happen and to alert people to that as best we can."

~ Myles Rademan, AICP

Director of Public Affairs, Park City, Utah

"Planning in a Changing Field"

The "State of Potomac"

"The Washington MSA has been called the State of Potomac. If the State of Potomac were an independent state — and I am not proposing that it should be — it would be one of the smallest states in terms of land area, but it's other statistics would be pretty impressive. The new State of Potomac would rank: 23rd in population; first among all states in median income; sixth in federal procurement contracts; first in total federal spending on a per capita basis; eighth among all states in total retail sales; and first in terms of average education level."

~ Robert T. Grow

Executive Director

Washington/Baltimore Regional Association

"The New Frontier in Regionalism"

Modernizing Land Use Statutes

"Without significant opportunities for public input, any attempt to truly modernize land use statutes will fall short of enactment. As the private property rights movement continues to gain strength across the country, adherence to an 'inclusionary' agenda is especially important."

~ Patricia E. Salkin, Esq.

Acting Director, Government Law Center

Albany Law School

Bettman Symposium: "Modernizing the Statutes: State and Regional Roles"

Roe on ISTEA and Congress

"For the first time in the history of federal transportation programs we gave state and local transportation officials the authority to determine how best to spend federal transportation dollars in their own areas. My God — members of Congress trust the people of the United States to spend their money, in their own areas, as they see fit? Can you imagine? That's why I'm sure they don't know what's in the bill ..."

~ Rep. Robert A. Roe of New Jersey

Luncheon Speaker

resources ...

Publications

• *Minnesota Agricultural Land Preservation Program Status Report*

Minnesota Department of Agriculture

27 pages

A comprehensive and readable review of the eight-year-old program that now protects about 114,000 acres under restrictive covenants. Some major trends in land use are summarized and county activities are tabulated. About 56 percent of the nonmetropolitan counties either do not have comprehensive land use plans at all or have not updated their plans since 1980. About 3,000 nonfarm dwellings are constructed in rural areas of nonmetro counties each year, the report says. Call (612) 296-5226 for a copy.

• *Agricultural Preservation in Montgomery County, Md.*

Video by the Maryland-National Capital Park and Planning Comsn

Ten minute video highlights the agricultural preservation efforts of the last 10 years in Montgomery County, Md., including TDR, easements, and zoning. The video is available on loan from the Commission. Call the public relations office at (301) 495-4600.

• *Concurrency Management Systems in Florida: A Catalog and Analysis*

University of Florida, Bureau of Economic and Business Research

164 pp., \$15

About 150 local governments complying with the state concurrency requirements (that adequate infrastructure be in place before new development occurs) responded to the university study that compares and catalogs them. Also analyzes the legal issues of concurrency. Payment must accompany orders. Call (904) 392-0171 for information.

Conferences

June 19 - 21: Washington, D.C., *First National Carrying Capacity Conference*, sponsored by the Carrying Capacity Network, a nonprofit organization serving as a clearinghouse for information on environmental, population growth, resource conservation and quality of life issues. Call (202) 879-3044 for details.

August 9 - 12: Baltimore, Md. *Resource Management in a Dynamic World*, the 47th annual meeting of the Soil and Water Conservation Society. Program includes five plenary sessions, 34 concurrent sessions and more than 100 presenters. Sessions include: Adoption of Soil and Water Conservation Practices, Regional and Community Impacts of Conservation Efforts, Groundwater Movement and Protection, Wetland Management, and a session on PDR. Call (515) 289-2331.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

PDR Conference Address:

Infrastructure planning next step for farmland protection

SPARROW BUSH, NY — The farmland preservation movement should begin to move beyond the purchase of development rights (PDR) and become involved in infrastructure planning to protect farming areas from encroachment, said Mark Lapping, professor and dean of the School of Planning and Public Policy at Rutgers University.

Lapping, keynote speaker at a gathering of PDR administrators at the Eddy Farm Resort near Port Jervis, New York, said that the purchase of development rights, because it depends on public funding, should not be counted on as the mainstay of farmland preservation efforts. Lapping said he was not optimistic that economics, which he said was "truly the dismal science," would ever allow for more adequate funding of PDR. Lapping said those involved in farmland preservation should not be looking to the end of the recession to solve their funding problems.

Lapping said proponents should become more involved in the planning for water and sewer lines,

which he said have been most responsible for unnecessary farmland conversion.

"Until planners begin to coordinate capital facilities and infrastructure planning, phasing and financing [with] land use goals, the land use guidance and farmland protection system will remain incomplete," Lapping said in a post-conference interview. "After all, it really is like Henry George understood it to be. Public investment shapes the local land market. It is simply critical that we do not place growth inducing investments in those areas where we want to preserve farmland and farming."

Lapping told the dinner gathering of about 40 that farmland preservationists are spending too much energy worrying over high land values, and not enough energy on providing a future for farming.

Lapping said one approach would be to help young and beginning farmers purchase farms in

please turn to page 2

Leading land trusts broaden scope of land protection

Two of the nation's leading land trusts are taking a "whole community" approach to land preservation, working with localities through planning and zoning and economic development initiatives to assure a broader scope of protection outside the boundaries of preserves.

In a world driven by politics and economics, leaders acknowledge that even lands already fully preserved need the added test of sustainability, particularly in poor local economies, because what occurs outside preserve boundaries ultimately affects what is inside.

The Nature Conservancy, which launched its "Last Great Places" program last year, has em-

barked on the "bio-reserve" approach to land protection. The bio-reserve maintains a core area of fully preserved habitat, designates and manages a buffer zone around it, and then treats

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PDR Conference**PDR administrators discuss problems, hopes for the future***continued from page 1*

areas where farming could be truly viable.

"We need to work on the real economies, not the false economies," he said, referring to the equity issue, and added that programs need to move toward protecting farming, not just farmland.

"My overall argument is that we tend to see an industrial plant or an office building as constituting economic development," Lapping said. "Why don't we see the farm as a bona fide form of wealth creation? We will bond for industrial parks but we don't bond to sustain a group of farms."

The conference, an annual retreat sponsored by the northeast office of the American Farmland Trust, brought together local and state program administrators from New Jersey, Pennsylvania, Maryland, Connecticut, Massachusetts and Vermont. They discussed problems ranging from the equity issue to obsolete soils data.

Discussing the future of PDR, some participants said a way to prove the popularity of PDR programs to politicians was to show the number of applicants waiting for offers. But Tim Warman of the Montgomery County, Maryland program said a long waiting list could only mean the program is paying too much for easements.

Montgomery County established its own easement program three years ago using a formula to determine easement value. The Montgomery formula allows the county to place its own value on a parcel based on size, soil capability, proximity to development, tenure of the farmer, amount of road frontage and whether the farmer has committed to a soil conservation plan.

Its formula allows Montgomery County to eliminate the appraisal process in its own program (see story, page 6)

Jim Libby of the Vermont Housing and Conservation Board reported on Act 200, the state law that encourages local planning through financial incentives including funding for plans and authority to establish impact fees. Libby said the Act has not been fully funded in several years, and that although it created a mechanism for planning at the local level, it will likely not result in any level of state planning.

Libby said Vermont has its share of property

rights activists, but Act 200 has not been weakened. "I think planning is alive and well in Vermont, but where it will go remains to be seen." Libby said the Conservation Board's involvement with Act 200 "at this point is very minimal," but by observing the adoption of local plans, the board will be able to gauge the climate for PDR.

But Libby added that problems with the tax structure "is an issue we will run into more frequently. We must demonstrate its not true that PDR will result in loss of revenue."

In 1991, the Vermont Housing and Conservation Board committed funds to purchase development rights from 57 farms involving 18,600 acres, and to preserve more than 21,000 acres of other lands, according to its annual report. Libby said that Vermont had capped easements at \$975 per acre and projects at \$250,000 in fiscal 1992. The average price paid is \$700 per acre, he said.

Libby said the Farms for the Future Act passed by Congress last year, and that so far has only been funded for Vermont, "is a very cumbersome program for us. We haven't received a nickel yet," he said. Libby said it would cost the federal government \$1 million for Vermont to receive \$600,000 in interest subsidies. The program hopes to close a \$10 million loan, the maximum allowed per year under the act, by June, he said.

Meanwhile, for the dozen or so other states that qualify under the Farms for the Future Act, funding seems more elusive. The Senate Agricultural Appropriations Subcommittee recently authorized full funding for the Farms for the Future Act for fiscal 1993, but then did not fund it, and the House bill is still pending, according to Jim Riggle of the American Farmland Trust.

Riggle told conference participants that even though funding is hard to come by, the program has support in Congress. "I don't think there's any fundamental opposition to it at all," he said, adding, however, that members of Congress "are poorly placed," to have direct influence on funding for the act. Members who represent states with PDR programs do not sit on either of the appropriations committees. Riggle said, however, that "the problem is with the USDA... there is no real willingness inside the USDA to use the programs they have," to protect farmland from conversion. ■

Land trusts working outside traditional boundaries

continued from page 1

outlying areas as a transition zone, in which community education and planning occur.

While the Conservancy has worked traditionally with landowners, it is now increasingly working with local government to affect planning and economic growth that will be compatible with land protection goals.

Perhaps its best example of this approach is the Virginia Coast Reserve, the last line of unspoiled barrier islands on the east coast, containing 43,000 acres that stretch 55 miles from the Virginia-Maryland border to the mouth of the Chesapeake Bay. The islands provide shelter to 250 species of raptors, songbirds, shorebirds and wading birds.

The bio-reserve approach represents a new direction for the Conservancy arrived at by "a recognition that people are a part of the system you are working to protect," said Charles Pattison, field representative for the Virginia Coast Reserve. "What became apparent was that to buy the islands wasn't enough to protect them. You can't protect them in a vacuum ... we can't get into a situation where we lock up resources and people are on the other side of the fence," Pattison said.

Implementing the bio-reserve approach means working with private landowners, local government, businesses and real estate interests. In the Virginia Coast Reserve's buffer zone, sustainable seafood harvesting and farming are encouraged. The "transition zone" contains the traditional agricultural use mix under sliding scale zoning starting at one building right per seven acres. In this area, the Nature Conservancy would work to encourage compatible or environmentally sensitive industrial uses.

In Northampton County, Va., home of the Reserve, the Conservancy has become involved in an economic development strategy that will focus on sustainable and ecologically sensitive development. Northampton County has high soil quality, but the number of farms there has declined.

The development strategy is part of a project of the Northampton Economic Forum, which recently received a grant from the state. The Nature Conservancy, working with the Forum, brought in the Corporation for Enterprise Development, a nationally known non-profit group, to serve as consultant. The plan is to focus on agriculture, food processing,

Describe why this proposal is innovative or creative.

The project proposes to develop a new model for sustainable development in rural communities that is of national and statewide importance. Despite all the talk about the need to combine economic, equity, and environmental goals, there are few examples and none have attempted to tie all three dimensions together within a participatory process.

- from the Northampton Economic Forum grant application to the (Va.) Center on Rural Development, Dec. 1991

seafood, health care, tourism and retirement industries, while still allowing for growth that emphasizes business retention and helping small business.

One of the Conservancy's primary techniques in buffer area protection is to buy parcels and resell them with deed restrictions, but "there is no movement in real estate now," Pattison said, and the real threat to the fragile riparian habitat is improper development during hard times. Involvement in overall planning and zoning seemed to be the next step, he said.

The relationship between the Conservancy and the local planning department has markedly improved since 1969 when the Conservancy moved in to buy up the islands that were then slated for massive resort development. Now, the Northampton Economic Forum is a reflection of common priorities between all parties.

But planning and zoning is not one of the Conservancy's strengths. While some of the staff have planning and zoning backgrounds, it is not a discipline within the organization, Pattison said.

"It's a tough area for them philosophically. They traditionally work behind the scenes." But because of the broad scope of the Last Great Places initiative, the Conservancy recognizes the need for some involvement in land use issues. One difficulty in this move is that the Conservancy's work with private landowners could conflict with positions taken on land use issues, Pattison said.

Conservancy vice president Greg Low is well versed in planning and zoning, but none of his colleagues join him in this area, he said. The Virginia Coast Reserve is one of the few places where the Conservancy has truly become involved in local planning, Low said.

Low said the Conservancy has taken some of its new direction from the Natural Lands Trust (NLT), one of the nation's larger regional land trusts, located outside Philadelphia. The NLT has been developing

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New York works to clean up arcane land use statutes

ALBANY, NY — More than a dozen bills are under consideration in New York designed to make land use planning more achievable in a state where planning has not even been encouraged since the days of high federal spending for local infrastructure.

The long slate of bills are a response to pleas from frustrated developers and planners alike, who have found the planning process curtailed by arcane statutes pieced together over many years without the rhyme or reason.

The proposed laws result from three years of public hearings, symposia and workshops directed by the Legislative Commission on Rural Resources and its advisory committee. The Commission's charge was to increase the ability of local governments to manage growth. Restructuring the state's community planning and land development statutes was identified as vital.

Last year the Commission was successful in passing four bills including an amendment to allow incentive zoning.

This year, among the Commission's legislative moves are bills that would:

- encourage comprehensive planning at the town and village level;
- encourage interjurisdictional cooperation in planning;
- encourage training of planning and zoning officials;
- require subdivision applicants to provide information on farming operations adjacent to sites;
- require that farmers be notified of subdivision plans on adjacent parcels at time of application.

All the bills are pending at the committee level. "Planners' most important needs should be met with these bills," said Ronald Brach, executive director for the Commission. Brach said the comprehensive planning bill is one of the more controversial. "The last time plans were endorsed was when the federal government provided grants for facilities. The state has not been committed to planning ... we're trying to turn that around here."

Patricia Salkin of the Government Law Center, Albany Law School, and a member of the advisory committee serving the Commission, said members of the American Planning Association upstate and

etcetera ...

Save the earth: Eat less beef

The Center for Rural Affairs of Walthill, Nebraska calculates that if just 25 percent of the 1.9 billion bushels of corn produced in Iowa and Minnesota were dried in solar grain dryers — such as several designed and in use by a group of Nebraska farmers — it would reduce energy use in crop drying by 6.7 percent nationally and would reduce carbon dioxide emissions by over 400 thousand tons.

Corn drying is known to contribute to global warming.

But a better way to reduce global warming and environmental damage, says futurist Jeremy Rifkin in a new book, is to reduce consumption of beef.

More than 70 percent of the nation's grain is fed to livestock, mostly to cattle, Rifkin says in *Beyond Beef: The Rise and Fall of the Cattle Culture*, published by Dutton.

But feeding the grain to people and turning cattle out to graze won't improve the environment, either, Rifkin says, because the 1.28 billion cattle now on the planet already take up 24 percent of the earth's land mass while posing "an unprecedented threat to the global environment, to human health, and to the economic stability of our civilization."

Cattle, Rifkin writes, "are a major cause of world hunger, pollution, deforestation, and desertification, and they play a central role in the extinction of wild species." *Read More: Rifkin's book is available through your local library or at your bookstore. Retail price: \$21.*

Illinois study blames sprawl for state's fiscal woes

Chicago, Il. — Next month the Northeastern Illinois Planning Commission (NIPC) is expected to approve its plan for land resource management, which it began two years ago. The work of five task forces and 190 volunteers, the report has the potential to influence how development occurs in its six-county planning area.

The Commission's study names sprawl as the leading cause of higher taxes, the decline of urban areas, pollution, and rapid loss of farmland.

The plan, called the Northeastern Illinois Metropolitan Region Strategic Plan for Land Resource Management, "calls for the region's governments to endorse policies that will discourage sprawl and reinvigorate urban areas.

The report includes scores of recommendations on how local governments can coordinate efforts to begin to mitigate the effects of decades of scattered patterns of development. The study makes it clear that political leaders must act courageously to acknowledge that wasteful land use patterns and the resulting "decentralization of population and employment" have caused the state's current fiscal plight.

The Commission reported last year that while the region's population had risen by only 4.1 percent between 1970 and 1990, the land consumed increased by an estimated 46 percent. The study asks "how can costs not rise if public services and infrastructure must be stretched over 45 percent more territory to serve virtually the same sized population?"

The stretching of the populated area coincided with a not

too surprising increase in auto registration, an increase ironically also at 46 percent. *Read More: The commission study, once released, can be obtained by calling NIPC at (312) 454-0400. The director of NIPC is Larry Christmas.*

When a PDR administrator turns top cop

While regular monitoring of easement farms places an administrator in the uncomfortable position of an enforcement officer, irregular or inadequate monitoring can lead to even more uncomfortable situations, Rich Hubbard of the Massachusetts Agricultural Restriction Program told a group of PDR administrators at the Port Jervis conference in April.

Hubbard showed slides of a massive tire dump, "blow-out" holes in a field, and a house illegally built on an easement farm. Each of these separate violations could not be seen from a public road, thus "drive-by" inspections are not adequate in a monitoring program, he said.

Hubbard is seeking a parceling off of a six-acre area that includes the tire dump and a forced reimbursement to the state of the easement value on the six acres. Hubbard said an estimated 100,000 tires had been dumped at a profit of 10 cents each. Removal, he said, would cost about one dollar each.

The state has ordered removal of the house built on an easement parcel. While the action is harsh, Hubbard says a strict policy is necessary. "If we don't do hardball on this, we're going to have people slapping houses all over APR parcels," he said.

Monitoring is staff intensive and can be confrontational with the very people who were once very glad to see you, "especially that day you brought the check," Hubbard said. "Now you're the bad cop. It really is a critical component, to make sure your investment is secure," he said.

Historic, open space protection with Mass. PDR

Boston, Ma. — A 290-acre farm may become the latest addition to a protected historic area featuring the homestead of 19th century poet and journalist William Cullen Bryant. The farm, adjacent to the Bryant homestead, would be placed under restriction in the Massachusetts Agricultural Preservation Restriction (APR) Program, the state's PDR program, contingent on partial funding from The Trustees of Reservations, a statewide land trust.

The Agricultural Preservation Restriction program will provide most of the purchase funds. The remainder — \$45,000 — will be raised by The Trustees of Reservations.

More than 680 acres of farmland near the Bryant homestead have been placed under the APR program since 1980, with many of those easements being facilitated by The Trustees of Reservations. The 290-acre farm is "the last piece in the pie," said Wes Ward, deputy director for land conservation of The Trustees. "It's a wedge-shaped piece visible from the homestead. If we get it, we will preserve over 1000 acres for historic and farmland preservation purposes," he said. Working with the state program "illustrates the broad scale approach to farmland and open space preservation," Ward said.

The Trustees of Reservations owns and manages 72 properties in Massachusetts, totaling more than 18,000 acres, all open to the public. *Read more: For the Trustees' 1991 annual report and literature, call Eloise Hodges at (508) 921-1944.*

New Jersey's fee simple is program's green light option

TRENTON, NJ — What do you do when a farmer wants to preserve his or her land, but wants to sell the farm — an important parcel — in fee simple?

You buy it, said Donald Applegate, executive director of the New Jersey Agriculture Development Committee, which, under the state's farmland preservation law, can purchase a farm in fee simple and resell it with deed restriction. Before reselling, the Committee can divide the farm to make more affordable parcels, he said.

The fee simple option funding is capped at 10 percent of the bond appropriations that fund the state easement program, Applegate said, but there is no cap on how much the Committee can spend per acre or per farm. The easement program is currently seeking \$100 million, he said, of which \$10 million would be slated for fee simple use.

"We view it as an important tool. It really does give us flexibility to deal with landowners who don't want to participate in the easement program. We can also respond more quickly in emergencies."

Applegate said the office received a call recently from a landowner under intense development pressure. The parcel is surrounded by PDR farms. Without the ability to work through fee simple, "this farm might really be gone if we had to wait," for PDR funding and processing, Applegate said.

Applegate said about a dozen landowners have requested fee simple purchases, but not all these farms were desirable, and the ones that are "may all fall away" during negotiations, he said. Currently, six farms are being considered under fee simple.

Since its inception in 1989, the program has used the fee simple process just three times, resulting in two purchases. "It's underutilized. It's something we'd like to use a lot more," Applegate said.

Applegate told PDR conference participants at Port Jervis that although the state office can deal directly with landowners, they keep local PDR administrators apprised "as a practical point. We can use them to find the hidden agenda on a farm. That's pretty useful for us." Applegate said one full-time person is needed for fee simple work.

New Jersey is the only PDR state with direct authority to use fee simple purchases to protect farmland. Connecticut is currently seeking the authority, and Vermont has the authority indirectly through its right of first refusal clause. *Contact: Don Applegate or Rob Baumley, (609) 984-2504.*

PDR Conference**Appraisals called nuisance, irrelevant**

SPARROW BUSH, NY — The most significant benefit of using your own formula for determining easement values is that you decide how and why certain parcels should be prioritized. When using appraisals to determine value, the real estate market decides that for you, said Tim Warman of the Montgomery County (Md.) Office of Economic Development.

Warman described the county's three-year-old easement program, which uses a formula the county devised, at a conference for PDR administrators sponsored by the American Farmland Trust, April 28.

"Appraisals are a nuisance and have nothing to do with farmland preservation," Warman told the group of state and local level PDR administrators.

The county's easement program settled on its first easements in late 1989 and so far has protected about 3000 acres. The program is budgeted at \$3 million per year and has been popular with farmers who were not very active in the state program even before the state depleted the program's funding last year to help smooth out its budget deficit.

The county's formula determines easement value by considering farm size, soil quality, proximity to developed areas, amount of road frontage and commitment to a soil conservation plan, Warman said. Applicants bid to sell at or below the maximum allowable price the formula determines, but most applicants offer discounted prices to assure acceptance of their bids, because typically easement values exceed the \$3 million annual budget, he said. Per acre values range from \$750 to \$4,500, with the average value at about \$3000 per acre.

The county does not have a long waiting list of applicants, Warman said, and if it did, he believes that would indicate the county was paying too much for easements.

The formula not only helps farmers make a quick estimate of their easement value on a user-friendly worksheet, but allows the county to control how much it will spend on easements, he said.

Using the formula, a remotely located, owner-operated, 40-acre farm with 200 feet of road frontage, 20 percent class II and 35 percent class III soils, with no soil conservation plan, would have an easement value of \$1,605 per acre.

An owner-operated, 350 acre farm adjacent to an area slated for development, with a half mile of road frontage, 30 percent Class II soils and 35 percent Class III soils and a soil conservation plan in effect would have an easement value of \$3,395 per acre.

The formula, devised by AFT general counsel Edward Thompson Jr., also allows greater speed to settlement, with the period from application to settlement clipped at six months. Selling an easement to the state can take twice as long.

Another benefit of a formula, Warman said, is that it can be modified to reflect changes in county policy. Also, it eliminates

**legislative
briefs ...**

In Maryland ... \$4.9 million was taken from farmland preservation funding, leaving \$3.5 million in bonds that have not been sold. For FY 93, the program anticipates \$2 million from the state's ag transfer tax. The program will have \$7.6 million for FY 93, according to *Paul Scheidt, state program administrator, (301) 841-5860* ... Harford County obtained authority from the General Assembly to enact a one percent transfer tax to fund a local farmland easement program. The initiative goes to referendum in November. *Mike Paone, (301) 838-6000 x103.*

In Pennsylvania ... An amendment to **1067**, the appropriations bill, protecting ag security areas from eminent domain by utilities did not pass. About 20 ag security areas are now vulnerable to a proposed electric transmission line from Pittsburgh to the Harrisburg area ... The Commonwealth Court decided not to re-hear the Lenzi case, in which it decided the state agricultural preservation board should notify adjacent landowners of proposed easement offers. The board has petitioned the state supreme court to hear the case.

In New Jersey ... The program is requesting \$100 million in bond appropriations.

In Iowa ... Bill **2261** would establish a revolving fund to make loans to organizations for purchasing conservation easements on blufflands along the Mississippi or Missouri rivers for resale with restrictive covenants. The fund would be administered by the Division of Soil Conservation. The bill is currently in the House Ways and Means Committee.

In New Hampshire ... **HB 1242**, a bill to create a study commission to amend the current use law, passed. The bill was the result of strong opposition to another bill that would have abolished the state's current use law, which taxes farmland at its agricultural value.

In Connecticut ... The state PDR

continue to page 7

program is seeking \$3.5 million in bond funds and authority to acquire parcels through fee simple.

In New York ... More than a dozen planning and zoning related bills proposed by the Legislative Commission on Rural Resources are under consideration. Some of the bills would guide preparation of comprehensive plans, encourage intermunicipal planning, require notification to farmers of proposed adjacent development at time of application.

In California ... Marin County voters will decide June 2 whether to establish a four-year, \$25 per parcel annual tax to fund open space and farmland preservation. The Marin Agricultural Land Trust is promoting the ballot measure, which would provide \$8 million over the four collection periods, half of which would be used for farmland preservation. *Bob Berner, (415) 663-1158 ...* Assemblyman Kleh's bill (Assembly Constitutional Amendment (ACA) 1) that would allow special tax measures to pass with a simple majority vote rather than the 2/3 now required under Proposition 13, is currently on the Assembly inactive file. The legislature will be in session through November. The bill would effectively overturn a state supreme court decision affirming that a supermajority vote is required for such measures. The decision has far-reaching effects for farmland and open space preservation initiatives, which traditionally depend on special tax measures for funding in California.

In a move that surprised many, Gov. Pete Wilson's Council on Competitiveness, headed by former baseball commissioner and now L.A. clean-up czar Peter Ueberroth, released a report to the governor that contains growth management recommendations, a task that had been charged to the governor's Council on Growth Management. The Council on Competitiveness, whose charge was to recommend ways to strengthen the state's economy and business climate, apparently could not leave growth management out of the equation, and presented major recommendations. Included was a proposal that the state establish a land use court, to take land use disputes out of the civil courts. Oregon and Vermont have such courts.

Appraisals, from preceding page

disputes over the value determined, because farmers understand that if a value seems low to them, it is because county policy places a low value on the particular farm, and not because an appraisal has somehow gone wrong.

Under the program, farmers dissatisfied with the formula value can have an appraisal performed. The county will pay up to 25 percent more than the formula-derived value based on the appraised value. This has been done in a number of cases.

The Montgomery County program's preservation goals are helped by the county's renowned transfer of development rights program, which has effectively created a large expanse of protected farmland in the county's western and northern areas, designated as an agricultural reserve. Zoning in the reserve allows one building right per 25 acres with a minimum one acre lot size, but rights can be transferred out at the rate of one per five acres. Since its establishment in 1981, more than 26,000 acres of farmland have been preserved under TDR, a full one-third of the agricultural preserve. Due to the recession, TDR activity dropped from 2,270 acres participating in fiscal 1990, to 845 acres participating in fiscal 1991. TDR prices decreased from \$7,500 per TDR at the start of 1991 to \$6000 per TDR at year's end.

Using formulas for assigning value to a property could be catching on. In Vermont, a proposed Farmland Investment Program will attempt to match public values such as access via trails or waterside access to dollar values, according to Jim Libby of the Vermont Housing and Conservation Board. The formula would assign, for example, a \$5000 value to such access, and perhaps a one dollar per foot value for road frontage. Fluctuations in the market and how to deal with them is still being explored, he said.

"Unlike the conventional appraisal process, a formula valuation process, once established, is quick, inexpensive, and consistent in its results by virtue of mathematics," writes former New Jersey appraisal reviewer Patrick Hancock in an upcoming FPR Special Report. "And, as long as landowners and program administrators have mutual agreement and full understanding on how value is to be established, the PDR process can move along efficiently. The political pitfalls of time, cost, and 'unpredictable results' are avoided."

Donald Applegate, executive director of the New Jersey Agriculture Development Committee, said variables would make statewide use of a formula unlikely. "Some of the variables Montgomery County uses would be relatively controversial in our program," Applegate said. "Montgomery has a uniform policy body ... I envy them in that sense."

Tom Daniels of the Lancaster County (Pa.) easement program agrees with Warman that the appraisal system is irrelevant to the objectives of farmland preservation. "When we buy development rights we have to pay based on development pressure and not on the quality of the farm." Lancaster County code requires appraisals, he said. *Contact: Tim Warman, (301) 217-2345.*

Land trusts, from page 3

its Community Land Stewardship Programs, designed to help provide better links between individual parcels and the larger community, between the public and private sectors, and to find more room for compromise between preservation and development.

The programs are still in their infancy, according to Randall Arendt, vice president for conservation programs at NLT, but the Nature Conservancy has recently asked the NLT for guidance in possible strategies for conserving multi-jurisdictional sites, Arendt said. The Natural Lands Trust may be poised to provide leadership into the realm of land use politics because of its extensive experience in working with developers and community leaders to mitigate the effects of development on community character in rapidly suburbanizing areas.

Part of the strength of the Natural Lands Trust's work beyond preserve boundaries lies in the fact that its key personnel are planners by trade, who carry the understanding that true resource protection rests with the politics and populace of a given locality.

The Natural Lands Trust program works under the principle that a land preservation initiative must have the full endorsement or support of the community, and that development design is essential to preserving community character. The NLT has developed an expertise in "limited development," in which the number and configuration of lots are manipulated until preservation of open space, vistas or natural areas is achieved, while at the same time the landowner's needs are met.

Arendt said community land stewardship type programs are likely the wave of the future for land trusts. Since natural systems often span several jurisdictions, true protection for many parcels requires broad based planning initiatives, and land trusts will need more planning expertise.

"This is applicable to a lot of land trusts around the country. They will have to accompany the parcel by parcel approach with something broader," Arendt said. For example, the NLT, along with the Brandywine Conservancy, advises a township on subdivision applications and techniques for working with developers and landowners.

"The successes of many land trusts have relied too long on the philanthropy

and spiritual leadership of a few individuals, as well as piece-meal, crisis-oriented tactics, which are always two steps behind," writes Michael G. Clarke, NLT president, in an upcoming article for *Exchange*, the newsletter of the Land Trust Alliance. "We need to find ways in which entire communities can effectively express their deep underlying concern for the land and take the actions necessary to protect it."

Clarke says in the article that only by becoming advocates of growth management will land trusts be able to protect significant amounts of land in a community.

New York, from page 4

metro chapters were asked to rank priorities for legislation affecting land use planning. "We made every attempt to be responsive to their input," Salkin said.

"There was a tremendous attempt to build consensus. We had input from the agricultural community and all levels of local government to see what was important," she said.

Salkin said an initiative toward statewide planning is not too farfetched for New York. Last year Gov. Mario Cuomo appointed a blue ribbon commission to study consolidation of state services and one of the focuses, she said, is opportunities for regionalization. While the commission will focus on human services, land use planning could be a component, she said. Salkin is directing a graduate research project in cooperation with Pace Law School to explore statewide planning.

Bringing New York's statutes into line with planning practice and aspirations is a long process, said Waring Blackburn, a planner and community assistance director in Watertown who serves on the Commission's advisory committee. The bills represent an attempt to simplify state law by erasing its ambiguities, he said.

"It's a progressive thing. These [bills] aren't panaceas, but they're moves in the right direction. We're making significant progress in the areas where it's feasible to do so."

Blackburn said one of the intents of the Commission's legislative program was to provide more opportunities for farmland and open space protection at the local level. But on the broader scale, it has set into motion discussion of statewide planning.

"Planners are certainly interested in the concept of statewide planning, but that's

down the road." Blackburn said passage of the current legislation and encouraging local response to the new possibilities it will bring has to be the current priority for the scores of people involved in the statute work. Contact: Ronald Brach, (518) 455-2544.

resources ...

Publications

• *Incentives and Their Uses in the Chesapeake Bay Critical Area: A Handbook for Local Government Officials*

By Resource Management Consultants, Inc.
Maryland Chesapeake Bay Critical Area
Commission 85 pp.

This handbook will discuss 18 types of incentive programs grouped into four categories to help localities implement the plans that are required under the Chesapeake Bay Critical Area Act. The handbook will describe development policies and criteria for the Critical Area, and how to use incentives to manage growth and to guide development location. Available in late summer or early fall through the Commission by calling (410) 974-2426.

Conferences

ABBREVIATED FROM PREVIOUS LISTINGS:

May 17-20: Madison, WI, The Fourth North American Symposium on Society and Resource Management, hosted by the School of Natural Resources, University of Wisconsin. General themes include cultural resource management, environmental ethics, GIS for resource management, landscape aesthetics. Fifty-five concurrent sessions, poster session, round tables, four plenary theme addresses, two field trips and three receptions. Call School of Natural Resources, (608) 262-6968.

May 27 - 29: Hyannis, MA: Implementing Responsive and Affordable Geographic Information Systems. A workshop sponsored by the Boshe Institute, an independent research organization that provides educational resources in areas including land planning and management. Registration fee is \$210, deadline May 13. For brochure, call (508) 362-1319.

Aug. 9 - 12: Baltimore, Md., the 47th Annual Soil and Water Conservation Society conference, sponsored jointly with the American Agricultural Economics Association. Theme: Resource Management in a Dynamic World. The 1991 conference, Living with the Land, was held in Lexington, KY. For information call the Society at (515) 289-2331.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

ERS - USDA

Study heats up decade-long debate on farmland loss

WASHINGTON, D.C. - Farmland is not being lost to urbanization at a rate that should alarm the nation and new land being brought into production is offsetting losses, according to a study recently released by a group of economists at the Department of Agriculture's Economic Research Service (ERS).

The study, conducted over the last three years, concluded that the rate of urbanization has not changed in 30 years, and that if present rates of population growth and land conversion continue, the nation will have more farmland in the year 2000 than in 1980, because of new land brought into production.

Release of the study has renewed a decade long battle over whether the federal government should set policy or provide support to state farmland preservation efforts.

At the center of the controversy is the question of whether new lands that are highly erodible or brought into production through methods such as irrigation or drainage, should be seen as a counterbalance for lands lost to urbanization.

Release of the ERS study coincides with a new United Nations report that claims 10 percent of the world's fertile soils have been damaged or lost to poor agricultural practices, deforestation and urbanization, and that the world's future food supply should be considered in jeopardy (*see accompanying story*).

Farmland preservation advocates criticize the ERS study because it does not consider quality of soil, and, because it equates the value of nursery and horticultural production with food production. Also in dispute is the estimate of acres lost to urbanization each year.

Critics say the study does not consider the effects of farmland loss on local economies, and does not consider that federal subsidies to local infrastructure induced the sprawl that caused unnecessary farmland loss over the last three decades, justifying, critics say, federal subsidies to states with farmland preservation programs.

The 1990 Farm Bill includes a program that

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Lancaster County sues state board over reallocation delay

LANCASTER, PA -The Lancaster County Agricultural Preserve Board last month filed suit against the state Agricultural Preservation Board for a reallocation of 1989-90 state matching funds as directed under current state law. The state board would rather reallocate the funds under a formula now under consideration in the legislature that would result in sizeable cuts to Lancaster and Chester Counties, according to the plaintiffs. Chester County joined Lancaster in the suit.

If reallocation occurs under the pending bill, Lancaster County stands to lose \$250,000, and Chester County would lose \$156,000. Lancaster County has asked the Commonwealth Court, in a writ of mandamus, to compel the state board to act

on the reallocations under the current law.

The suit maintains that the state board's waiting game is against regulations, and that reallocation, the same as regular allocations, had

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Study says urbanization is not causing loss to farmland base

continued from page 1

would provide interest subsidies to states with trust funds for farmland preservation. That program, the Farms for the Future act, has not yet been funded, but its enactment is "an indication that someone in Washington other than the ERS has some concern about farmland loss," said Tom Daniels, executive director of the Lancaster County (Pa.) Agricultural Preserve Board.

The authors of the new report said they feel federal support of farmland preservation efforts is inappropriate because their research shows that agricultural production at the national level is not jeopardized by farmland loss, even as their own figures show a loss of 194 million acres between 1950 and 1987, a rate of 5.2 million acres per year. The study says that in the 1970s, a decade characterized by rapid growth, only 740,000 farmland acres per year were converted due to urbanization.

That figure is the latest in a long-standing dispute over how many acres are lost to urbanization each year, and a direct assault on the 3 million per year loss rate cited by the National Agricultural Lands Study (NALS) conducted a decade ago.

That study, begun under the Carter administration and published in January 1981, concluded that three million acres of farmland, of which one million was cropland, had been converted to non-farm uses each year between 1967 and 1975. The interagency study was sponsored by the USDA and the President's Council on Environmental Quality, but after it was published, economists at the USDA said the 3 million figure was too high.

Last month, the dispute within the USDA surfaced again when Eugene Andreuccetti, director of the Conservation Planning Division, told a conference gathering that he was comfortable with his division's finding of 2.2 to 2.5 million acres lost to nonfarm uses each year in the 1970s, at least twice the ERS figure.

That estimate includes lands converted for all urban uses, including highways and water storage, according to the division's land use branch chief, Lloyd Wright. Wright said that regardless of the numbers, the point is that massive amounts of land are being converted unnecessarily, while land is available in already urbanized areas.

"The land being converted is the very best land. The impact is far more significant than the numbers

U.N. report cites 10 percent loss of world's arable land

UNITED NATIONS — Although technology has allowed high achievements in agricultural production in recent decades, a new U.N. report says the dual trends of farmland loss and increasing world population will eventually lead to a crisis in the world's food supply.

The report, cited as the first comprehensive look at the condition of the planet's arable land, says that 10.5 percent — about three billion acres — of the world's fertile soils have been lost or degraded by deforestation, overgrazing and poor agricultural practices, urbanization and pollution. This has all occurred since 1945, the report states.

Most of the soil loss has occurred in Asia and Africa, but Central America had the highest proportion of land loss: 24 percent of its land base. North America lost 4.4 percent, compared to Asia's 12 percent and Africa's 14 percent loss.

Because world population is expected to double by the year 2050, scientists say the report is an "early warning" to policies and practices that allow farmland loss.

"We are going to have to feed an increasingly large population on a finite base of arable land," Dick Bryant of World Resources Institute told the Associated Press in a story that appeared April 3. "A conservative assessment is that you try to save that base," he said.

Visvanathan Rajagopalan, a World Bank vice president who chairs an agricultural research group, said scientists are losing faith in the abilities of technology. "Some of the scientists are beginning to say that even with all the modern inputs — fertilizers, pesticides, water, making credit available — you are unable to maintain yields at the current level," he said.

Quotes in this story were excerpted from an article by Peter James Spielmann of the Associated Press.

would imply," Wright said. Although Wright's division is responsible for land use policy and farmland protection within the USDA, Wright said they had not been consulted on the report, and had not seen it.

The ERS study attempts to estimate farmland lost to urbanization by examining counties that experienced rapid growth in the 1970s. The research focused on 135 counties where population grew by more than 25 percent and increased by more than 25,000 people. These counties absorbed almost half of the nation's population increase in the 1970s, the study said.

"We are sensitive to the fact that farmland loss is a concern," said ERS researcher Ken Krupa, "but when we looked at it we saw it wasn't a problem.

please continue to next page

Farmland debate, from previous page

The farmland base remains stable."

Using the fast-growth county approach, the study concluded that although the nation lost, in its estimate, 740,000 acres of farmland per year to urbanization in the 1970s, newly created cropland and pasture offset that loss by 67 percent.

But that conclusion should be scrutinized, according to Tom Daniels, because "the report looks at the 1970s, and for agriculture that was a unique time." Daniels said high grain prices brought masses of new acreage into production in the midwest, but that the acreage was highly erodible and much of it was retired into the Conservation Reserve Program (CRP).

Daniels, an agricultural economist, also said the study's method of using fast growth counties as a yardstick for urbanization is flawed. One report from the study picked the 26 fastest growing counties between 1950 and 1987 and determined that overall, losses to urbanization were offset by new land brought into production. "A few counties tip the scales heavily and make generalizations difficult. For example, in the 26 counties land in farms fell by 18.7 percent between 1950 and 1987. But if you drop San Bernadino, California, land in farms fell by 28.59 percent. This is almost 12 percent more than the U.S. average," he said.

"A similar story shows up when looking at the declines in cropland and harvested land," Daniels said. "The declines for the U.S. were 7 percent and 18 percent versus 21 percent and 13 percent for the 26 fast growth counties. But drop Palm Beach, Florida and the declines were 32 percent and 32.56 percent. That's a big difference."

Jim Riggle of the American Farmland Trust said that the study examines only the economic value of agricultural production and not the quality of the soils or the cost factors of producing food by highly mechanized means, with heavy inputs.

"What is very disturbing in all of this is that there is a complete disregard for land quality, no value judgement between prime land and semi-arid, erodible land. There appears to be an acceptance of the notion that its acceptable to drain the Everglades and irrigate the western desert," to replace land lost to urbanization, Riggle said.

Also, Riggle said, the study correlates population growth with land conversion, a concept discredited by several recent studies. One study conducted by the Northeastern Illinois Planning Commission found that while population growth in

Differing views of farmland loss

NALS

National Agricultural Lands Study (1981)

Principal finding

- 3 million acres of farmland were converted each year from 1967 to 1975. One million acres were cropland. Farmland loss should concern the federal government.

ERS

Economic Research Service, USDA

Principal findings

- 194 million acres of farmland were lost from 1950 to 1987, a rate of 5.2 million per year, but only 740,000 acres were lost per year due to urbanization during the 1970s, a decade characterized by rapid growth.
- New acreage brought into production offset acreage lost in the 1970s by 67 percent. Farmland loss should not be a federal concern.

Division of Conservation Planning, USDA

- About 2.2 to 2.5 million acres per year were converted to nonfarm uses in the 1970s. Development should occur in already urbanized areas.

U.N.

United Nations Environment Program

Principal finding

- One-tenth of the Earth's arable land has been damaged or lost since 1945 due to poor agricultural practices, deforestation, urbanization and pollution. The future of the world's food supply is threatened.

the six counties of northeastern Illinois increased by 4.1 percent from 1970 to 1990, land converted to residential use increased from 45 to 65 percent (see FPR, Jan. 1992).

Robert E. Coughlin, a land use consultant and senior fellow at the University of Pennsylvania, Department of City and Regional Planning, said that the definition of fast growth counties in the study is too restrictive, eliminating many small counties where land conversion was phenomenal.

"They're arguing a point of view rather than providing research here," Coughlin said. "The interpretation is very misleading ... it's certainly not an objective presentation of research."

Ralph Heimlich, who led the study at ERS, said it was "an attempt to rectify" what he called exaggerated claims

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Lancaster Co. asks court to compel state board to act

continued from page 1

to be announced by March 1. According to Tom Daniels, director of the Lancaster board, the state board delayed reallocation until its April 16 meeting, fully expecting the legislature to pass SB 1067, which would change how funds are reallocated.

Now, however, the bill is not moving as smoothly as anticipated, according to Raymond C. Pickering, director for the Chester County board, whose chairman called the state board's move political chicanery. The bill may not pass by April 16, as the state board anticipated, he said.

The amount Chester County would lose is important, Pickering said, but secondary to the issue of how the state board has worked against counties that have put up larger amounts of money to save farmland. "We put up sizable amounts of money, got our program up and running... we played by the rules," he said.

Daniels said Lancaster and Chester Counties are being "penalized for being successful," and that Lancaster County easements have a lower cost per acre than the state average. The county has a strong need for funds because of its backlog of applicants, he said. Lancaster County has purchased easements on 118 farms and 10,717 acres since 1982. The current average cost per acre is \$2,000. For the state, the average cost per acre is \$3300, Daniels said. The state has spent \$35.2 million for easements on 14,519 acres to date.

Troubles between the state board and the Lancaster County board are long standing. Delays in allocations to Lancaster County, for example, are typical, according to board chairman Amos Funk.

This year the Lancaster County board has allocated \$650,000 for its program, which means it will receive \$1.3 million in current allocations from the state.

In addition to this year's allocation, a reallocation from the state to the counties of funds they had not spent, should net for Lancaster, under current law, \$1,090,267. If that reallocation were made under SB 1067, that amount would decrease to \$839,958.

The bill passed in the Senate by a vote of 48 to 0.

Contact: Tom Daniels, (717) 299-8355; Ray Pickering, (215) 344-6285.

etcetera ...

Ca. economic crisis snuffing out growth plan

Sacramento, Ca. — The delay in setting down a growth management plan in the nation's largest agricultural state is a symptom of the state's economic crisis, administrative and legislative sources say.

In addition, disagreements on just what statewide planning should encompass has permeated the administration.

Gov. Pete Wilson was long expected to reveal a comprehensive and innovative statewide growth management plan in his state of the state address in January. Instead, growth management was only vaguely mentioned.

That could have been because his Council on Competitiveness has been blaming the state bureaucracy for a large part of the state's worsening economy, and getting plenty of press, including a segment on the MacNeil-Lehrer News Hour that aired March 31. The Council says environmental regulations are driving businesses out of the state. In southern California, manufacturing companies are leaving for states with better business climates.

Meanwhile the governor's Council on Growth Management has become a virtual publishing house, releasing a series of reports, detailing growth management options and perspectives including one on conflict resolution, a subject that may become the Council's mainstay.

Several growth management bills in the legislature have been set aside by their sponsors to let administration officials contemplate changes that could put the bills more in line with the direction charted thus far by the administration.

The governor's less than optimal relations with the legislature as well as criticism from his own party regarding tax increases last year, has shifted the governor's focus from environmental issues, observers say.

NJ plan will save billions, study says

Trenton, N.J. — A Rutgers study released by the New Jersey State Planning Commission concludes that the pending state plan will not harm the state's economy, and will actually save billions of dollars by reducing sprawl. The study was commissioned after builders and farmers groups claimed the plan would stifle growth.

The plan, to be adopted by the commission this summer, will encourage townships to bring their planning and zoning in line with state guidelines. Those guidelines encourage farmland and open space preservation, and designate five development zones, from urban to rural. The plan encourages development to occur in urban centers and suburbs already served by water and sewer and schools.

The study, produced by Rutgers' Center for Urban Policy Studies, said that under the plan about 62,000 new jobs would be created in urban centers, and that the state would realize a savings of about \$1.3 billion through more efficient infrastructure construction through the year 2010.

With the plan, the study said, 78,000 acres of farmland would be consumed, but without the plan 108,000 acres

would be converted. With the plan, 7,150 acres of environmentally sensitive land would be developed, but without the plan, 36,500 acres would be developed.

The study acknowledges that farmers and landowners stand to lose \$350 million through 2010 in lost opportunities to sell their land for development. While farmers and home builders continue to oppose the state plan, last month a coalition of conservation, planning and environmental groups were joined by the New Jersey Business and Industry Association in praising the study's findings.

The association said new businesses locating in New Jersey have been increasingly concerned about the quality of life in the state.

Kansas City conference celebrates LESA

About 160 gathered in Kansas City to exchange information at the first national conference on the Land Evaluation and Site Assessment (LESA) system, a process developed by the Soil Conservation Service to identify prime soils and most valuable locations for farming.

The conference showcased a recently completed study that found 209 states and localities with experience using LESA. Of those, 145 are currently using LESA, four times the number found five years ago. The study was coordinated by Frederick Steiner of Arizona State University, department of planning.

Localities are using the system to assist in zoning permit decisions, environmental impact assessments, designation of zoning districts, and in purchase of development rights programs, Steiner said.

The state of California is considering using LESA in its environmental review process, a move that would double the number of LESA users, Steiner said. After zoning permit decisions, environmental assessment is the most prevalent use of LESA, he said.

The LESA system is also under review by the provincial government of Ontario and by Great Britain, Steiner said. Federal Highway Administration officials expressed a desire at the conference for USDA training in the use of LESA.

Several awards were presented at the conference, including one to Lloyd E. Wright, a planner with the Land Use Division of the Soil Conservation Service, for his leadership in LESA's development. Wright created the LESA system as part of the USDA's farmland protection program a decade ago.

While the federal Farmland Protection Policy Act of 1981 has been largely ignored by agencies that would have used the LESA system in implementing the act, the system has been picked up by local governments to develop farmland preservation programs. The handbook Wright created for using LESA will be updated, Steiner said.

The conference was coordinated by Kansas State University, Department of Regional and Community Planning. Steiner, (602) 965-7167. Read more: See Resources, page 8, for LESA study description and ordering information.

□

Pennsylvania program

25-year easements could be tax trouble, attorney says

BOSTON, MA – Landowners who sell 25-year easements under the Pennsylvania program could be in for some surprises from the Internal Revenue Service, according to Stephen J. Small, a Boston attorney and author on conservation tax law.

Because of new estate tax provisions in the federal code, Small said the Pennsylvania program, which allows purchase of 25-year easements, could be setting up landowners for the full brunt of estate taxes, because the law is not clear on how easements other than perpetual would be treated.

"It's clear if you donate and qualify for a deduction, or even sell a perpetual easement, that's fine. Your estate will be valued at restricted value. But because the rules take a position that perpetual easements are OK, then it may be that non-perpetual is not OK ... it's a potential policy problem that needs to be addressed," Small said.

The Pennsylvania law allows the purchase of 25-year easements, but none have come to the state board, according to program administrator Fred Wertz. Wertz said he has requested the state Department of Agriculture legal office to study the issue raised by Small.

Wertz said several changes to the state program will be considered over the next two years, and that the tax question could be considered.

In Lancaster County, which has the state's oldest program, several 25-year easements were completed in the early years of the county program, according to Tom Daniels, executive director of the Agricultural Preserve Board in Lancaster. Daniels said the board may drop the 25-year easement option from the county program. There have been no 25-year easements taken in recent years.

A 25-year easement on a property, by statute, is purchased at 10 percent of the appraised value of a perpetual easement.

Small, who serves on the board of directors of the Land Trust Alliance, said the Lancaster properties under 25-year easements would not be affected because they were completed before the effective date of the estate tax provision.

Contact: Steve Small, (617) 728-9600.

Wisconsin program**Amended law to allow new enterprises**

MADISON, WI—Wisconsin farmers who receive tax benefits by agreeing not to develop their land for a certain period, will be better able to relinquish those agreements under certain circumstances under legislation passed last month.

Under what is said by many to be the nation's most effective farmland protection program, local governments are required to establish either exclusive agricultural zoning or a farmland preservation program for farmers to qualify for tax relief, a true bottom-up approach that has netted heavy participation since it began in 1977.

The amendments to the program were introduced by request of the state department of agriculture to allow nonresidential development that will benefit the local economy, according to Kate Lawton, of the farmland preservation program. The move was prompted by a request from a landowner who wanted to build an outdoor concert facility on his property.

Passage of SB 231, will allow farmers to relinquish their agreements to develop their land for non-residential uses "to assist local economic development," if the locality considers the availability of alternative locations, the agricultural productivity of the land involved, and whether the proposed development minimizes the amount of farmland converted to nonagricultural uses.

The locality must also consider the economic costs and benefits of the proposed development to the local economy compared to the costs and benefits of the land for agricultural use, including the costs of providing public facilities to the development and the ability of government to provide them.

Farmers will be able to relinquish agreements for their entire farm or just a part of their land under the bill.

The construction of additional residences under exclusive agricultural zoning was also liberalized, removing a requirement that the new home be occupied by a person who earns a substantial part of his or her livelihood from farming the land, or, who is a parent or child of the operator. Now, the occupant is required to have "previously conducted the majority of the farm's operations," and to be a parent or child of a person who lives on the farm. This means that new residents on the farm can work elsewhere.

The bill will allow sand and gravel extraction for personal use, and authorizes approval of farm family businesses as special uses.

Begun in 1977, the Wisconsin program provides strong incentives for localities to protect farmland through exclusive agricultural zoning and farmland preservation plans. Farmers cannot apply for tax relief unless their local governments have established either of these two prerequisites. A program brochure states that, "The success or failure of the program rests in the hands of farmers, local citizens and local elected officials."

The tax credit is determined by weighing household income against property tax burden. Those with lower income and greater tax

legislative

In Pennsylvania ... SB 1067 may see additional amendments, (related story, page 1) including a provision that would extend eminent domain protection in agricultural security areas to include protection from utilities. A proposed transmission line from Pittsburgh to Dauphin County was the catalyst for the proposal. The line could affect 20 ag security areas, according to Fred Wertz, state program director ... **SB 973** would clarify language in the state enabling law that would include a provision for the use of transferred development rights between municipalities.

In Wisconsin ... SB 231 passed. It will make relinquishment of farmland preservation agreements easier for landowners who want to develop their parcels for uses other than residential, that will benefit the local economy. It also slightly liberalizes other terms of agreements ... another bill that would have decreased the amount required to be paid back under relinquishment failed to go to floor vote.

In Florida ... The state's comprehensive growth management law seems intact after a legislative session rife with opposition from developers and rural county officials. One bill sought to give local governments the power to veto state-mandated density restrictions with a two-thirds majority vote. Other legislation would have severely limited the state's prerogative to direct local governments in planning and zoning. The state's 1985 law gave the state Department of Community Affairs (DCA) broad responsibilities to curb sprawl and protect land resources. The DCA passed a bill to make compliance easier for local governments, according to Don Pride, (904) 488-8466.

In Iowa ... HB 2261 would create the Bluff Lands Protection revolving fund, that would purchase development rights along the Missouri River. The program would be administered by the Soil Conservation division of the

continue to page 7

Department of Agriculture and Land Stewardship, and would provide loans to non-profit organizations. The bill is now in a House subcommittee. The legislation was initiated by Rep. David Osterberg.

In Virginia ... A bill passed this session will give landowners veto power over state designated historic districts. The law will put in place a process by which property owners who object can block a district formation, according to Bryan Mitchell, president of the National Conference of State Historic Preservation Officers, (804) 786-3143. The legislation was initiated by developers with interest in the Brandy Station civil war battlefield area in Culpeper County, Mitchell said.

In Vermont ... A bill that would repeal the current use taxation law is in the House Ways and Means Committee, and is expected to fail. However, the tax abatement program, which reimburses local governments for lost revenue, is expected to be funded at only 72 percent and a moratorium on new enrollments is proposed.

In Kentucky ... A bill to create scenic corridors failed, as did a bill to restrict formation of corporate farms. Because of hard economic times, "this was not the session to push forward new agendas," said Tom Fitzgerald of the Kentucky Resources Council, (502) 875-2428.

In Maryland ... Administrative bills that will set statewide planning policy guidelines passed ... Budget deliberation that could result in cuts to current program funding was still underway at press time.

In Massachusetts ... A request by the Agricultural Restriction Program (the state PDR program) to authorize the governor to allocate \$25 million to the program is expected to pass through the Natural Resources and Agriculture Committee and on to the Ways and Means Committee.

Study to evaluate Wisconsin program

MADISON, WI—A pilot study to evaluate Wisconsin's farmland preservation program has been initiated by the University of Wisconsin, according to Dick Stauber, professor of urban and regional planning. It will be the first academic evaluation of the program since the early 1980s, Stauber said.

The study, conducted as a planning workshop for graduate students in urban and regional planning, will focus on how the program works in Dane County, the state's fastest growing jurisdiction.

Recent changes to the state program and talk in the legislature about a comprehensive evaluation of the program, was the catalyst for the study, Stauber said.

The Wisconsin program, which provides income tax credits to qualifying farmers, has been called the nation's most successful farmland preservation program because of its broad participation rate and its use of exclusive agricultural zoning (see accompanying story).

Documentation and data will be difficult to gather, Stauber said, because of the way the program is structured. Some of the information is unattainable because farmers apply for credits through their income tax forms, which are confidential. The study will analyze how Dane's zoning ordinance and procedures were developed, and how the program has been implemented in Dane. The study will be completed this summer. *Contact: Dick Stauber, (608) 262-8990.*

Wisconsin, from preceding page

burden receive the most relief. This is referred to as the "circuit breaker" approach to tax relief.

"The program was formulated to force farmers to force local officials to do planning," said Dick Stauber of the University of Wisconsin, Department of Urban and Regional Planning. The department will soon conduct a study of the state program as implemented in Dane County, the state's fastest growing county, which includes the city of Madison (see box above).

A provision in the state constitution requiring property tax uniformity made other types of tax relief such as preferential tax assessment, unworkable in Wisconsin, Stauber said. But in the early 1970s, "we had a tax revolt and amended the constitution so that farmland and open land can be treated differently."

The circuit breaker approach was developed "to tie tax relief to preservation. Most farmers, of course, "just wanted tax credits, not restrictions on their land," Stauber said, but agreement was finally reached in the legislature, and in 1977 the first phase of the program began in which local governments were encouraged to begin the zoning and planning process.

In 1982, the permanent program began, and a farmer's income tax credit became dependent upon whether his county established exclusive ag zoning, a farmland preservation plan, or both.

Until 1988, only farmland owners in rural counties could enter into farmland preservation agreements, but in 1987 farmers in the state's 18 urban counties (more than 100 residents per square mile) were allowed to participate if agreements were signed before June 30, 1991 and their counties established a farmland preservation plan by then.

Participation was scarce, said Kate Lawton. Only about 200

Farmland loss debate, from page 3

about farmland loss in the National Agricultural Lands Study (NALS). Heimlich said the NALS has been used to win federal support for a concern that should be addressed only at the local level. Further, Heimlich said, the NALS used poorly constructed data to reach its conclusion on farmland loss.

"NALS was misdirected... an attempt to take a valid local concern and turn it into a national issue with pretty blatant disregard for the facts," Heimlich said.

The NALS used Natural Resources Inventory data compiled by the Soil Conservation Service. That data, prior to 1977, included land already urbanized as well as land zoned for development, said Robert J. Gray, who directed the NALS. "We said that in the report, but they [the ERS and others] said land zoned for development could come back into cropland, but we said no way, not if it had water and sewer availability."

NALS studied agricultural land converted to urban, transportation, and other non-farm uses from 1967 to 1975, and concluded the nation had lost 23.4 million acres during that time — an area the size of Louisiana, the report stated.

Gray, now a land use consultant, said he never expected the NALS would result in any federal subsidies for farmland preservation. The study recommended that the federal government make the protection of good agricultural land a national policy, which Congress did, with the Farmland Protection Policy Act in 1981.

That law, which requires federal agencies to consider whether their programs or activities would result in unnecessary farmland conversion, has been largely unimplemented, according to the American Farmland Trust.

Wisconsin, from page 7

farmers managed to participate, because urban county governments already had zoning and were reluctant to designate exclusive ag areas. Development pressure is greater in urban counties, and already, Lawton said, there has been a relinquishment request from an urban county farmer.

In 1991, more than 25,000 Wisconsin farmers received \$28 million in direct benefits under the Farmland Preservation Credit program, averaging \$1,116 per farmer. Of these claims, about 78 percent were filed under the exclusive ag zoning requirement,

and 22 percent were filed under the alternative requirement of a local farmland preservation plan. A farmer filing under a plan must also enter a contractual agreement restricting the land to agricultural use for either 10 or 25 years if in a preservation area, or from five to 20 years if the parcel is in a designated transitional area.

Exclusive ag zoning continues to be adopted by municipalities. Seven towns adopted it in 1991, according to Mark Bugher, secretary of revenue. Bugher says about 8.1 million acres are protected under the program through zoning or farmland preservation plans. Contact: Kate Lawton, (608) 266-6963.

resources ...

Publications

• *A Livestock Producers Legal Guide to: Nuisance, Land Use Control, & Environmental Law*
By Neil D. Hamilton
Drake Univ. Agri. Law Center, 175 pp., \$12.

A year ago Hamilton produced the 189-page handbook *What Farmers Need to Know About Environmental Law*. It had a question and answer format for what Hamilton does best: write about law for the layman. Hamilton has done it again in this handbook, but in more of a how-to format, which concentrates on the special needs of the livestock producer. Hamilton's strong point is right-to-farm and nuisance laws, and the handbook will bring you thoroughly up to date in this area.

The handbook contains two chapters on land use controls that serve as a primer on zoning and comprehensive planning and how farmers can make sure ordinances include protections for agriculture. Hamilton takes an appropriately soft approach on the benefits of land use controls for the preservation of farmland and farming. The handbook has a national coverage and will be a good item to recommend to farmers, attorneys, environmental leaders and bankers.

Hamilton is director of the Agricultural Law Center and a law professor at Drake, and writes a column on ag law for *New Farm* magazine.

To order, send \$12 check payable to Drake University to: Drake University Ag Law Center, Nuisance Law Book, Des Moines, IA 50311. Hamilton can be reached (515) 271-2065.

• *Regional Growth ... Local Reaction: The Enactment and Effects of Local Growth Control and Management Measures in California*
By Madelyn Glickfeld and Ned Levine
Lincoln Institute of Land Policy, 176 pp., \$15.

Glickfeld has been a land use consultant for the California legislature and local and state agencies and Levine is an expert in survey and demographic research methods and a lecturer in urban planning at UCLA. The book is billed as a growth

management atlas for California with over 45 maps and graphs, that surveys 443 cities and counties in the state on how growth is managed. Publications Dept., Lincoln Inst., 113 Brattle Street, Cambridge, MA 02138-3400, or call 1-800-848-7236.

• *The Dynamic West: Infrastructure Demand for the 21st Century —Transportation*
The Council of State Governments, March 1992. \$5.

Looks at the growth of the west and forecasts transportation needs through 2000. Call 1-800-800-1910 and give order number S-011-91.

• *Land Evaluation and Site Assessment study*
By Steiner, Pease & Coughlin, et al.
Available from Arizona State Univ, 380 pp, \$17

The study works as a catalog and directory for the 209 jurisdictions that have used or are using the LESA system, describing each and providing contacts. Available by sending check to: LESA Study, Herberger Center, Arizona State University, Tempe, AZ 85287.

Conferences

May 27 - 29: Hyannis, MA: Implementing Responsive and Affordable Geographic Information Systems. A workshop sponsored by the Bosh Institute, an independent research organization that provides educational resources in areas including land planning and management. Registration fee is \$210, deadline May 13. For brochure, call (508) 362-1319.

ABBREVIATED FROM PREVIOUS LISTINGS:

May 4 - 6: Cape May, N.J.: OPEN SPACE CONFERENCE CANCELLED. See FPR, March 92, page 4.

May 9-13: Washington, D.C. APA National Conference. Call (312) 955-9100 for brochure. Overall theme, "Creating Community: Making Public Policy." Small Town and Rural Planning Division has three sessions. Contact Barry Wellar at (613) 564-2395 to receive the division's session descriptions. Featured speakers for the division's main session is Roland Vautour, USDA undersecretary for Small Community and Rural Development, and Elmer Buchanan, minister of the Ontario Ministry of Agriculture and Food.

May 17-20: Madison, WI, The Fourth North American Symposium on Society and Resource Management, hosted by University of Wisconsin. General themes include cultural resource management, environmental ethics, GIS for resource management, landscape aesthetics. Call School of Natural Resources, (608) 262-6968.

Aug. 9 - 12: Baltimore, Md., the 47th Annual Soil and Water Conservation Society conference, sponsored jointly with the American Agricultural Economics Association. Registration details and materials are not yet available. To get on the mailing list call the Society at (515) 289-2331.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Open space, farmland initiatives find common ground

Policy initiatives at the state and local level in New Jersey and California are recognizing that farmland provides open space and that conservation easements on private land are valuable as components in open space planning.

Particularly in suburbanizing areas where farmland remains, open space and farmland preservation efforts are linking common goals in mutually beneficial projects.

Last year, the New Jersey law enabling counties to levy a special tax for open space preservation was clarified to include farmland as eligible under such funding. Counties that were unsure about how they could legally use open space tax revenue can now use it for matching funds in the state farmland preservation program, according to Donald Applegate, executive director of the state farmland preservation program.

"We assumed that farmland was included," as open space under the legislation, he said. "It came up from time to time ... some counties were simply bonding separately for their matching funds. Now

they can use this dedicated source," he said. Five counties, and at least three municipalities in New Jersey have levied taxes dedicated for open space since the state legislature passed the 1989 Open Space Trust Fund Act.

In Cape May County, two separate boards, one for farmland easements and one for open space fee simple acquisition, both use funds from the county's open space trust fund, created under the 1989 Act. The fund was created in May 1991 through a one cent tax per \$100 of assessed value. The tax passed overwhelmingly, according to Barbara Ernst, coordinator for the boards. The fund currently has \$2.5 million, with both boards negotiating with landowners, Ernst said.

Ernst said funding competition between the open space and farmland boards doesn't appear to be a problem.

Farmland and open space preservation interests in urbanizing counties find that cooperation benefits both, according to Eleanor Campbell of

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Democrats have varied experience in land conservation

WASHINGTON, D.C. — Environmental leaders have had to bear often profound discouragement under the Bush administration, and will likely support a Democratic candidate "if George Bush isn't doing substantially better by summer," said Jim Maddy, executive director of the League of Conservation Voters, the non-partisan political arm of the environmental community.

Bush's response to environmental problems has earned "a rating of no higher than a D on a scale of A to F," from environmental leaders, Maddy said.

While the campaigns of the four remaining Democratic candidates have focused on strengthening the economy, each candidate has accomplished

at least some measure of environmental protection at the state or federal level, and each has said he would not weaken the Endangered Species Act to save jobs, an issue most environmentalists see

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Democrats have soil conservation, land protection records

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as a gauge of commitment to the environment in tough economic times.

While Arkansas under Bill Clinton has not been known for strong land conservation initiatives, (farmland preservation has never been an issue there) environmentalists in the state credit Gov. Clinton for urging the state legislature in 1987 to pass a real estate transfer tax that now provides a permanent fund for land preservation.

About \$3 million is collected under the tax annually and is being used for natural area protection, park land acquisition and historic preservation.

Clinton is a relative newcomer to environmental concerns, not becoming actively involved in strengthening the state's environmental laws until last year's legislative session. Despite Clinton's recent efforts, conservationists generally feel the state's environmental record is weak, according to the League.

Clinton said during a televised debate at the University of Maryland that he believes environmental protection and economic growth should not be seen as incompatible, and cited the president's Council on Competitiveness, chaired by Vice President Dan Quayle, as being in direct conflict with environmental protection.

Quayle has used his chairmanship of the Council to ease regulatory burdens on certain industrial and corporate entities, at times stepping in to halt EPA procedures, according to OMB Watch, an activist organization in Washington.

Among the candidates, former Massachusetts senator Paul Tsongas may have the most relevant, and most bold record for growth management and land preservation interests. Tsongas was instrumental in efforts on Cape Cod in 1988 to curb development there and to change the way in which development occurred. Tsongas called for a moratorium on Cape Cod until voters there could decide how to manage growth. The Cape Cod Commission was formed, and now serves as the local planning agency (see FPR, Sept. 91).

Tsongas' campaign literature includes the 86-page "A Call to Economic Arms: Forging a New American Mandate." Included in it is his brief assessment of how the nation has been spoilt by the franchising of its physical surroundings.

"A mall is a mall is a mall," Tsongas says, "A

commercial strip is a commercial strip is a commercial strip. A highway is a highway is a highway. Care and attention should be paid to preserving the character of the different parts of America. The President is uniquely positioned to encourage Americans to contemplate these matters."

Tsongas talks about preserving open spaces and states that although land use is a local matter, federal policy influences it.

Tsongas says a big part of the answer is to keep cities viable. Tsongas even mentions the sensibilities of Great Britain's Prince Charles, who hosted a PBS program two years ago about how physical surroundings define the character of his nation. "He cares about how his country resonates with its surroundings. Our leaders should do so as well," Tsongas writes.

As U.S. senator, Tsongas was a strong advocate for passage of the Alaska Land Act, landmark legislation that set aside over 103 million acres of land for parks, wildlife refuge and conservation. Tsongas has also been involved in the controversial battle for protection of lands surrounding Walden Pond in Concord, Massachusetts.

The League of Conservation Voters notes that the Tsongas platform is pro-business, and that Tsongas is "always trying to find ways to bridge the gap between environmentalists and business and to devise mutually agreeable solutions."

Sen. Tom Harkin of Iowa has been a strong advocate of sustainable agriculture and open space preservation.

Harkin is credited by the League with pushing for passage of the Organic Food Act in the 1990 Farm Bill and for promoting sustainable agriculture practices in Iowa, where soil loss is an issue.

Harkin was one of only three senators who backed the Sierra Club's complete position on the use of public lands in 1990.

In Iowa, agriculture is big business, to the detriment of efforts to protect what remains of the state's natural areas. Farmland protection has not generally been an issue there. The League noted in its recent "Presidential Profiles" that while agriculture and environmental interests are often at odds, Harkin "manages to reconcile the two."

Harkin has said he believes that environmental protection initiatives can create enough jobs to make

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Open Space, from page 1

the New Jersey Conservation Foundation. In Morris and Mercer counties, she said, "farmland is next door to protected open space. They view each other as buffers."

Don Applegate said that there is competition between natural lands interests and farmland interests, but that competition is "forcing both camps to act like one, to leverage and find projects that have common goals."

Applegate said the state farmland program is already doing that, and that he plans to identify farms that are adjacent to parkland or other designated open space lands for additional consideration in easement purchase. Applegate said the farmland preservation program should be seen as complementary to the state's park system, something he feels would also strengthen the program politically.

Other New Jersey counties that have created open space trust funds have not yet targeted farmland. In Somerset County, where an open space tax was enacted two years ago and has collected about \$7 million, nothing has been spent yet, and no open space plan has been developed. Municipalities in Somerset have been eyeing the fund, according to James T. Girvan, senior planner.

In Monmouth, the state's northernmost coastal county, the three-year-old open space fund has not yet been used for farmland, and open space is not a separate category from the county's general park and recreation funding, according to Jim Truncer, of the county park system. The county tax pulls in about \$4 million a year, Truncer said, and is being used to retire a \$36 million bond issue.

In California, Proposition 13, a 1978 statewide tax relief measure, reduced local property tax revenue, and required that two-thirds of local voters agree to taxation under special districts, such as those formed to fund open space acquisition.

The handful of open space districts that were created prior to passage of Proposition 13, were drastically affected by it, said Ron Miska of the Marin Open Space District, which partially funds the Marin Agricultural Land Trust (MALT). "[Proposition 13] not only cut the amount per \$100 of assessed value that could be taxed, but cut assessed valuation," he said.

The Marin district adds four and one-half cents per \$100 of assessed value to district residents' tax bills, the maximum allowed under Prop. 13, cut from 10 cents. The tax will collect about \$2 million

this year, Miska said. The revenue makes up about one-third of the district's total funding. The remainder comes from county and state funding. Miska said alternative funding may be sought, possibly through bond issue, such as was done successfully by a neighboring open space district, to the tune of

Open space districts are different from parks

The essential difference between an open space preserve and a park is that open space is intended to remain as close as possible to its natural state, whereas a park is usually intended to provide certain "developed" amenities for visitors, such as barbecue pits, playing fields, swings, benches ... Generally, a park is also closer to residential and business population centers...

Much of the land purchased by the district contributes to the region's scenic and visual backdrop, land which may be remote and inaccessible, but which provides refreshing views ...

*from Land Acquisition Policies and Procedures,
Midpeninsula Regional Open Space District*

\$225 million.

Additional funding sources may be necessary, Miska said, because of the rising costs of land. "When we formed in 1972 land sold for \$1500 an acre. Now it's \$15,000 per acre or more."

Marin County, with the Pacific on one side and the San Francisco Bay on another, is endowed with some of California's most valued landscapes, of sweeping meadows and forested ridges. Once California's most productive dairy county, its coastline was targeted by the federal government in the late 1950's for acquisition. About 50,000 acres of dairy farms became the Point Reyes National Seashore in 1962.

The Marin open space district has preserved over 12,000 acres and now manages about 9000 acres in 25 preserves, in which passive recreation is allowed. Its annual contribution to MALT makes the Marin County Open Space District a unique model for mutual open space and farmland preservation efforts.

The Sonoma County Agricultural Preservation and Open Space District is adjacent to Marin. The Sonoma district formed last year when voters approved a 1/4 cent sales tax (see FPR, Feb. 92). General Manager David Hansen said that pairing farmland and open space objectives made the ballot measure stronger than it would have been with just parkland acquisition goals.

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OPEN SPACE PLANNING

Land use outside national parks a concern for NPS

PHILADELPHIA, PA — The National Park Service has become increasingly involved in helping local governments and private organizations plan for land resource conservation.

Congress has looked favorably on the Park Service becoming more involved in land use adjacent to parks, according to Warren Brown of the Park Service's planning office. Within NPS, "there are a number of policy directions supporting parks being involved with neighbors," Brown said.

Last year during controversial hearings on how much commercial development should be allowed in national parks, NPS Director James Ridenour stated that he felt the National Park Service should be more involved in adjacent land use issues.

The Park Service is considering the use of scenic easements to enhance conservation and protect the integrity and character of national battlefields and the Appalachian Trail, according to Chris Soller of the NPS Washington office.

The NPS has been helping local government and conservation organizations build regional strategies for preserving farmland, open space and historic and cultural resources.

In a project centered in southeastern Pennsylvania's Delaware Valley, farmland preservation figures high on the list of strategies for protecting land resources in the region.

Initiated with the help of Congressman Peter H. Kostmayer, the Delaware Valley Open Space Study encompasses five counties and is "a macro look at the region," said project coordinator Michael Linde of the NPS Mid-Atlantic office. The object is to identify open space related resources and propose a conceptual framework for conservation, Linde said.

"One of our real focuses has been the protection of remaining agricultural lands. Many of the soils are some of the best in the state," Linde said. "Looking at the region, we have identified a belt of ag land, an arc," that stretches, Linde said, from the Delaware River north of Wilmington, going a full 90 degrees to the border with Maryland.

Linde said the project is looking at agricultural protection within a framework of whole communities, so that protection extends beyond the land base to the local farming economy. A marketing program for local farm products may be part of the

etcetera ...

TDR: Localities take slow but steady approaches

Localities in New Jersey, Pennsylvania and Maryland continue to pursue the transfer of development rights as part of farmland and open space preservation plans.

In New Jersey, Chesterfield Township in Burlington County is near ratification of a TDR plan, while nearby Medford and Lumberton townships are now actively pursuing TDR, according to Minda Jones-Gottsegen, Burlington County planner. About five additional towns are considering TDR, she said. The state legislature gave Burlington County the authority to use TDR in 1989.

Harford County, Maryland will soon be considering TDR as part of its rural plan.

East Hempfield Township, in Lancaster County, Pa., will be considering TDR and strict ag zoning as it adopts a new comprehensive plan, according to Tom Ernharth. Adoption of TDR could take up to two years, he said. The township has been studying the TDR plan that was adopted in nearby Manheim Township last year, he said.

In East Nantmeal Township, Chester County, Pa., public meetings on a proposed TDR plan have concluded, but no formal adoption process has begun. Receiving and sending zones have been designated, but a new district, possibly for limited development, may be created. The sending area may also be reduced, according to Ron Agulnick. *Contact: Minda Jones-Gottsegen, (609) 265-5787; Tom Ernharth, (717) 898-3100; Ron Agulnick, (215) 431-4500.*

Rural planning workshops at APA conference

Rural planners will have several workshops to target at the 1992 National Planning Conference in Washington, D.C., May 9 - 13, according to Bruce Wellar, program coordinator for the Small Town and Rural Division of the American Planning Association.

The division will have three sessions, Wellar said. They are: *Lessons Learned from Rural Planning*, which will explore the restructuring of economic development; *Funding and Networks*, which will have six or seven panelists discussing how to get the best information and the most dollars for rural resource planning and research; and, *Rural Development Policy*, which will feature as panelists Roland Vautour, undersecretary of the Small Community and Rural Development division of the USDA, and, the minister of Ontario's Department of Food and Agriculture.

Wellar, who is with the University of Ottawa in Ontario, said farmland preservation will be discussed in the first and third sessions. *Wellar, (613) 564-2995.*

Farmland preservation in NY open space plan

Albany, NY — A proposed open space plan for New York has incorporated numerous land protection techniques for local, state and federal government agencies as well as for non-profits, and calls for support of the farming industry. The plan proposes that the state administer a grant program for localities adopting purchase of development rights programs. The

proposal calls for \$3 million annually "to have a significant impact within areas where agriculture is threatened by development."

"We're interested in the farmland protection proposal we've made," said Robert L. Bendick Jr., deputy commissioner of the New York State Department of Environmental Conservation, which developed the open space plan. "It would be up to the state to encourage innovative thinking, tailored to the needs of the county, rather than an across-the-board protection plan," Bendick said.

The grants program would be administered by the state Department of Agriculture and Markets, whose administrator, Henry Stebbins, says the dedicated funding source would be a good start. "The \$3 million will go a long way ... this would be a real incentive for localities. There's a lot of interest, as there should be. Those involved are upbeat about it."

The plan will be put into final form and will be ready for the legislature next year, Bendick said. During public hearings, more than 1000 comments from the public were taken. *Bendick, (518) 457-0975; Stebbins, (518) 457-2715.*

Delaware PDR explores funding possibilities

Dover, De. — Delaware's fledgling purchase of development rights program is exploring possible sources of funding beyond the only source it now has, namely a rollback penalty tax for farmland conversion. No one is sure how much money may be on the way to the program from that source, but one thing is certain — it won't buy very many easements.

The state Department of Agriculture has been eyeing the Delaware River and Bay Authority Economic Development Fund, a source that is shared with New Jersey.

"Agriculture is one of the top industries in the state. We will target economic development, make that connection," said Stewart McKenzie of the Delaware Department of Agriculture. It's important to make a bid for the funding, McKenzie said, while the farmland preservation program is still in the limelight and before competition gets thick. *McKenzie, (302) 739-4811.*

National open space conference cancelled

What was to be the fourth national conference on open space planning, to have been held in Cape May, N. J., has been cancelled due to lack of funding, according to Herb Grench, general manager of the Midpeninsula Regional Open Space District in California. Adequate funding was not committed early enough to secure the effort, he said.

The district, which includes areas south of San Francisco and northwest of San Jose, was sponsor and host of the last national open space conference, held in Palo Alto, Ca. in Sept. 1991. That conference, attended by about 800 people, had strong public and private financial support at the regional and national level, including a large contribution from the National Park Service, which has become increasingly involved in open space planning at the regional level.

Earlier open space conferences were held in Boulder, Co. and Albuquerque, N.M.

Open Space America, a group formed at the Palo Alto conference, will meet this spring to discuss a new date and location for a future conference. *Grench, (415) 949-5500.*

NPS, from preceding page

strategy, he said. "We're trying to establish a regional identity. We've lost tremendous amounts of farmland here in the last 20 years."

"This is very much a public involvement process," with a lot of coalition building, Linde said. The NPS has been working with state agencies, local planning commissions, the EPA, the Soil Conservation Service and U.S. Fish and Wildlife.

Linde said that for now, the work is conceptual, but that the next step will be to look at particular tools for preservation and growth management.

Southeastern Pennsylvania is noted for conservation efforts by the Brandywine Conservancy, which provides technical assistance in land use to municipalities and conservation management assistance to landowners, and the Natural Lands Trust, one of the nation's most established land trusts. The Pennsylvania Environmental Council, a statewide membership organization, has been active in land use and growth management issues.

Called the Delaware Valley Open Space Study, the project is a strategy to define "ways of helping communities deal with land development issues," said David Lange, branch chief at the NPS Mid-Atlantic office. The NPS has worked closely with local government and citizen groups through its Rivers and Trails Conservation Programs. Regional resource management and land use issues are often the focus, Lange said.

Involvement in community open space planning is a new focus for the National Park Service, although the NPS has "a long history of technical assistance beyond the limits of parks," Linde said.

Linde and Lange work with the Division of Park and Resource Planning in the Mid-Atlantic office of the NPS, which helps localities plan to protect "landscapes of concern." According to its literature, the division "typically serves as a catalyst for problem-solving, facilitating partnerships among citizens' groups, local governments, and state and federal agencies."

Community planning assistance began in the Mid-Atlantic office, Linde said, and the NPS has become increasingly committed to working in metro areas since the President's Commission on the Outdoors found that 85 percent of Americans live in urban areas, and recommended that more recreation opportunities be provided closer to home. Assistance is available to local government through an application process. *Contact: Michael Linde or David Lange, (215) 597-9655.*

Focus on the northeast**Rutgers to study local plans, ag trends**

NEW BRUNSWICK, NJ — In what is the first academic research into farmland preservation initiated in many years, Rutgers University has embarked on a study of farmland preservation programs in the northeast and how they relate to land use planning strategies currently in use, according to Max J. Pfeffer, assistant professor in the Department of Human Ecology.

With funding provided by the Northeastern Center for Rural Development at Pennsylvania State University, the two-year study will explore farmland preservation programs in metropolitan service areas in New England, New York, New Jersey, Delaware, Pennsylvania and Maryland. The study will consider the social, economic and political conditions that favor viable and sustainable farming economies.

The focus of a study group that will convene next month will be to explore what planning issues are most vital to successful farmland protection and what tools are realistic and most politically feasible for the 1990's, Pfeffer said.

"We will look at how planners see agriculture fitting in, how they would like it to fit in, and compare that with the trends over the last decade. We will explore to what extent the planning community's efforts correspond to trends in agriculture," Pfeffer said.

The project seeks to develop better information and understanding of farmland preservation efforts as well as a means of providing the exchange of information on policies that impact farmland retention. The immediate objectives of the project are to explore existing programs and to evaluate their scope and whether they are successful in meeting their objectives.

Funding for the publication of recommendations and results has not yet been obtained, Pfeffer said. *Contact: Max Pfeffer, (908) 932-9168.*

Va. awards to localities**Projects protect land, promote growth**

RICHMOND, VA — Four locally-based projects in Virginia will seek to protect rural character, analyze the cost of development, and strengthen local agriculture with grants awarded by the Center on Rural Development. The grants program awards locally-based, innovative approaches to rural development and resource protection.

The Center was established in September 1991, one year after a rural development conference convened by Gov. Douglas Wilder. More than 400 attended the conference, which concluded with a clear mandate for state assistance for local planning and economic development for rural areas.

The Center promotes a comprehensive approach to rural development that includes entrepreneurship, leadership development, agri-

**legislative
briefs ...**

In California ... The state supreme court has decided not to re-hear *Rider v. County of San Diego* (see FPR, Feb. 92) ... Meanwhile, a bill that would effectively overturn the *Rider* decision by allowing localities to pass special tax measures with a simple majority vote, rather than the 2/3 now required under Proposition 13, has been developed by Assemblyman Klehs, chairman of the Revenue and Taxation Committee.

The governor and his Growth Management Council have not presented a state growth management plan expected at the time of the governor's state of the state message in Jan. Observers say there are differences within the administration as to what the plan will contain.

Meanwhile, growth management bills in the legislature were pulled when legislators decided to wait and see what the governor has in mind ... The budget bill, with the governor's proposal for full funding of subvention payments to localities under the Williamson Act is still intact.

In Pennsylvania ... The Select Committee on Land Use is working on its final report that will recommend stronger planning effort at the local level. Farmland preservation and affordable housing are elements in the plan, scheduled for release June 30, as are TDR and local tax reform. *Bill Kent, (717) 787-9516.*

The Commonwealth Court has not yet decided whether to re-hear the case in which the court ruled in favor of a landowner who insisted the state board should hear his objections to the sale of an easement on an adjacent property (see FPR, Feb. 92).

In New Hampshire ... Legislation that would abolish the current use law is still under consideration. *Will Abbott, (603) 271-2326.*

In Vermont ... Legislation that would alter the current use law has undergone revision and has been debated at length. Several committees are at work on various aspects of the proposals. The current use law is

continue to page 7

expected to be underfunded this year. Bill Snow, (802) 241-3500.

In Michigan ... Development of growth management related legislation has been held back as the state wrestles with wetlands issues.

In Maryland ... Task Force bills HB 189 and HB 237 have been killed in committee. HB 189 would have placed the agricultural district process and the easement purchase process under separate administrations; HB 237 would have required parcels to be owned for at least 18 months prior to easement sale and would have required a minimum of 20 acres for easement sale. Another task force bill, HB 707, which would terminate appraisal reimbursement to landowners, was passed and now goes to the Senate.

Administration bills for statewide planning policy, HB 457 and SB 285, have passed out of committee and are expected to pass.

In Congress ... Rep. Peter H. Kostmayer of Pennsylvania has introduced legislation that would amend the federal tax code to clarify that the sale or donation of a conservation easement does not trigger the estate tax recapture provision. The bill was prompted by an interpretation of the code that was unfavorable to a Lancaster County farm owner who wanted to donate an easement on an inherited farm to the Lancaster Farmland Trust.

In Wisconsin ... SB 231 would extend circumstances for relinquishment of farmland preservation agreements. The bill would allow relinquishment for some local economic development purposes, as well as allow a residence to be built on parcels of at least 35 acres ... **AB 925** would reduce from 10 years to three years the rollback tax penalty assessed if agreements are relinquished, a change that would considerably weaken the farmland protection program, according to *Kate Lawton*, (608) 266-6963.

In New Jersey ... The legislature is embroiled in a minimum wage debate and a hot budget debate, according to Tim Brill of the Cumberland County Department of Planning and Development. Plans to promote the county's plan for agricultural enterprise zones is on hold.

Virginia grants, from preceding page

culture and environmental protection.

The Center received more than 90 grant applications from local governments, with a total request of funds amounting to \$2.4 million. Sixteen grants were awarded, totaling \$335,000, with awards ranging from \$3,750 to \$36,777.

Four of those grants, including the largest grant offer, went to projects that seek to preserve agriculture and rural character and to strengthen local agricultural economy.

The I-81 Corridor Council, representing five planning districts along Interstate 81, in the western part of the state, will assess scenic resources at interchanges and develop model ordinances for promoting business development that also preserves aesthetics along the interstate.

The Nature Conservancy has lent its support to a project that will attempt to address economic and environmental goals, as well as the issue of equity in Northampton County. The project's approach is to view local economic sustainability in the context of the unique and fragile physical characteristics of the lower Delmarva Peninsula.

Strengthening family farming is the goal of the project that received the largest grant from the Center. The Northern Next Rural Development Coalition, which represents a four-county region, will provide workshops for farmers seeking to strengthen their operations or to explore alternative ag enterprises. The project will also create a revolving loan fund to entrepreneurial farmers. The participation of the National Rural Development and Finance Corporation and the Cooperative Extension Service in lending business and financial support to family farmers, makes the project unique in Virginia, according to the Center.

The Valley Conservation Council in Augusta County has embarked on a cost of community services study that will attempt to define the county's economic needs in the context on ecological sensitivity. Augusta County is one of the state's fastest growing rural areas. The cost of services study is an early step in defining the most cost-efficient strategy for economic growth that recognizes and strengthens the agricultural economic base. County officials hope to use the study as a catalyst for public support of long-term planning.

In addition to the innovation grant program, the Center provides grants for strategic planning, and provides technical assistance to communities on various issues. The Center is also developing a database on all federal, state, and private sources of financial and technical assistance available for rural projects.

The Center on Rural Development has operated in FY 92 with a budget of \$700,000, but expects part of its budget to be cut this year. *Contact: Eileen Fitzgerald, (804) 371-2665. Read more: ask for the CORD FY 92 Competition Summary and CORD fact sheet.*

□

Open space efforts consider farmland

continued from page 3

The Midpeninsula Regional Open Space District, south of San Francisco and northwest of San Jose, has acquired more than 26,000 acres of open space since it was created in 1972. Craig Britton, land acquisition manager, said that because much of the district makes up the urban fringe, public access is almost essential, and that much of the land mass within the district is not actively farmed. The district serves about 600,000 people.

The Midpeninsula district has negotiated a few easement purchases, but for the most part is acquisition oriented. The district is funded through a share of the annual total property tax collected within its boundaries, equivalent to about 1.6 cents per \$100 of assessed property value. In fiscal year 1990-91 the share provided about \$8.6 million. The district also receives state and federal grants.

A number of other California counties are considering the creation of open space districts.

Greg Carnill, director for the American Farmland Trust western office in Davis, said public access is usually desired in California's open space districts, but that there is greater awareness that farmland provides open space for scenic purposes. Carnill feels that open space proponents accept that farmland is open space, "but we want the primary goal to be farmland preservation," which provides open space without public access as the focus.

Carnill said that Sacramento and Sonoma counties recognize that much of their open space

happens to be farmland, so that land preservation efforts naturally combine both interests.

Carnill and other professionals in farmland preservation feel that the core of political support for preserving farmland at the local level is made up of the desire for scenic protection in urbanizing areas, and that protecting local agriculture as an industry is most often secondary. *Contact: Don Applegate, (609) 984-2504; Barbara Ernst, (609) 465-1081; Eleanor Campbell, (201) 539-7540; Jim Girvan, (908) 231-7021; Jim Truncer, (908) 842-4000; Ron Miska, (415) 499-6387; David Hansen, (707) 527-3126; Greg Carnill, (916) 753-1073.*

Democrats and land conservation

continued from page 2

up for those lost when limiting such activities as logging.

Former California governor Jerry Brown is credited with initiating awareness in California that land resources are finite. Brown instituted the nation's toughest air pollution control laws and strong energy conservation initiatives. Brown also succeeded in initiatives to protect public lands from development during the Reagan administration, and has strongly opposed nuclear energy. *Contact: League of Conservation Voters, (202) 785-8683. Read more: ask for "Presidential Profiles."*

resources ...

Conferences

Aug. 9 - 12, Baltimore, Md., the 47th Annual Soil and Water Conservation Society conference, sponsored jointly with the American Agricultural Economics Association. Theme: Resource

Management in a Dynamic World. Registration details and materials are not yet available. To get on the mailing list call the Society at (515) 289-2331.

ABBREVIATED FROM PREVIOUS LISTING: March 26 - 28: Kansas City, MO, First National Conference on Land Evaluation and Site Assessment Systems, hosted by the Dept. of Community and Regional Planning, Kansas State University.

This conference will bring together the leading LESA practitioners and researchers to share information and to introduce the concept to others.

Sessions include: Local eastern states LESA systems, western states systems, central states systems, PDR and conservation easements, ag zoning, evolution of farmland protection in the U.S., environmental review, land evaluation systems, etc.

Cost: \$75. Lodging, \$58. For information contact John Keller, Dept of Community and Regional Planning, KSU, Seaton Hall 302, Manhattan, KS 66506, or call (913) 532-5958.

April 23 - 26: Olive Branch, Miss. An intensive workshop organized by the Rural Heritage Initiative of the National Trust for Historic Preservation. For professionals in rural planning, land use, economic development. "Your Town: Designing its Future," was developed by the National Endowment for the Arts in cooperation with the National Trust and the faculty of the landscape architecture program at the State University of New York, Syracuse. The workshop includes lectures, case studies, seminars and walking tours. Cost: tuition, \$140, \$175 after Feb. 15; meals and lodging, \$280. Register by March 5. For brochure call Shelley Mastran at the National Trust, (202) 673-4037.

May 4 - 6: Cape May, N.J.: OPEN SPACE CONFERENCE CANCELLED. See story, page 5.

May 9-13: Washington, D.C. APA National Conference. Call (312) 955-9100 for brochure. Overall theme, "Creating Community: Making Public Policy." Sixty mobile workshops to Baltimore, Washington, Northern Virginia and Annapolis area sites, 150 concurrent sessions including Making Rural Clustering Work, Rural Policy Development, Small Town Historic Preservation, and three workshops organized by the Small Town and Rural Planning Division (see page 4). Cost: members, \$305, nonmembers, \$405 by March 27.

May 17-20: Madison, WI, The Fourth North American Symposium on Society and Resource Management, hosted by the School of Natural Resources College of Agricultural and Life Sciences, University of Wisconsin. General themes include cultural resource management, environmental ethics, GIS for resource management, landscape aesthetics. Fifty-five concurrent sessions, poster session, round tables, four plenary theme addresses, two field trips and three receptions. Call School of Natural Resources, Univ. of Wisconsin, (608) 262-6968.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

IRS ruling could boost interest in conservation easements

LANCASTER, PA — In a private letter ruling requested by the Lancaster County Agricultural Preserve Board, the IRS has confirmed that landowners can use conservation easements in a like-kind exchange, and defer, if not avoid, capital gains tax.

In a like-kind exchange, the farmer would, through an intermediary, use the easement money to purchase another farm, or even other income-producing real estate, and not pay capital gains tax on the easement money.

The Board requested a ruling on whether an agricultural easement could be exchanged for a fee simple interest in an unencumbered farm and qualify as a like-kind exchange under section 1031(a) of the Internal Revenue Code.

The letter ruling stated that an agricultural conservation easement in perpetuity under Pennsylvania law is an interest in real property, and that an exchange of the easement by the farmer for fee simple interest in another property would be considered a like-kind exchange.

Tom Daniels, director of the Lancaster County

program, said that while private letter rulings cannot be cited as precedent, the ruling should have widespread implications for land preservation nationwide.

"This will revolutionize conservation easement sales in the United States. It is a tremendous estate planning tool. It will increase interest in easement sales because taxes scare away some people. Now they can take that money and invest it," Daniels said.

"The only concern is that this is a Pennsylvania case because it [the letter] cites the Pennsylvania statute." Daniels said his counterparts in other states should look at how an easement is defined in their statutes. Administrators or land trusts in other states may need their own private letter ruling, he said, "but clearly this is a very positive indication of how the IRS views the situation."

Pennsylvania law, according to the ruling, defines a conservation easement as "an interest

please turn to page 3

Counties respond individually to Maryland funding shortfall

Faced with continuing shortfalls in funding for farmland preservation, some Maryland localities are exploring alternative funding to reinforce farmland preservation programs, while other localities are responding with changes to zoning or development standards in an attempt to mitigate the effects of continued development in rural areas.

Carroll County, Maryland is designing a plan that would allow the county to purchase options on easements as a means to protect important farms that are in danger of imminent development.

Bill Powel, program administrator for Carroll, said the county would put up 75 percent of the easement value to hold a property until the ease-

ment could be purchased by the state. If the property were not put under easement by the state within five or six years, Powel said, the county would take title to the easement. If the

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Ag, open space district appears safe under Ca. court ruling

SANTA ROSA, CA — A sales tax enacted to fund the fledgling Sonoma County (Ca.) Agricultural Preservation and Open Space District is believed by local officials to be safe after a state Supreme Court ruling that threw out a dedicated sales tax in another county.

In *Rider vs. San Diego County*, the court ruled in December that San Diego County could not levy a special district tax for purposes traditionally funded through county revenue without a two-thirds voter approval. Just over 50 percent of voters approved the creation of a special taxing district for prison and courthouse construction.

More specifically, the court ruled that San Diego County could not create a quasi-public entity to serve as the authority for the district as a means of avoiding the two-third majority requirement under Proposition 13, and, that a special tax could not be levied for functions traditionally supported by the county, a ruling that could have a devastating impact on local government in California. A petition has been filed for the case to be re-heard by the state Supreme Court.

In Sonoma County, north of San Francisco, an open space district was created early last year after voters passed two measures to create the district and to fund it through a 1/4 cent sales tax. That tax is expected to generate \$8 million in fiscal year 1992, according to general manager David Hansen.

According to Sonoma County Counsel Jim Botz, the district is different from the one formed in San Diego County, in two important ways. First, the open space authority is a fully separate and independent body, not controlled by the county; and, unlike the purpose of the San Diego district, farmland and open space preservation is not a function historically performed by the county.

Botz said that because of these two key differences, the fact that only 55.3 percent of Sonoma voters approved the tax, shouldn't jeopardize the district or its funding under the court's ruling. "It's like having two arrows in the quiver," he said.

Hansen said the district was formed while the San Diego case was pending, and was carefully constructed "so we wouldn't fall in the same category," he said.

But others are uncomfortable with the ruling. Bob Berner, executive director of the Marin Agricultural Land Trust (MALT) in neighboring Marin

County, said his organization will think hard before it proposes a county tax measure to boost MALT's funding.

"For some months we've been looking at a county tax measure," Berner said. Sonoma County's successful tax measure had inspired conservation proponents because it passed in an election when so many environmental measures failed statewide, including the "Big Green" initiative, in November 1990. But since the San Diego decision, Berner said, that idea doesn't hold as much promise.

The combination of farmland and open land preservation is what made the Sonoma ballot measure strong, Hansen believes. "I don't think it would have passed without the dichotomy," he said. Hansen said the district considers both natural lands and farmland as intrinsically valuable.

The Sonoma district is currently negotiating on three properties: a vineyard, a 225-acre farm and a 10-acre wetland. *Contact: David Hansen, (707) 527-3126; Bob Berner, (415) 663-1158.*

Identifying prime farmland begins preservation process

ESSEX JUNCTION, VT — In late March, about 200 are expected in Kansas City for the first national conference on the Land Evaluation and Site Assessment system, a process developed by the Soil Conservation Service to identify prime soils and optimum locations for farming.

Chittenden County, Vermont provides one example of how a locality is using the LESA system in its planning. In the 1980s the county started using the system to evaluate all the county's farmland — the soils and the specific use on particular parcels.

The LESA evaluation has two parts: a soils evaluation and an assessment of the location of the particular parcel, both rated through a point system. In the site assessment part, the locality decides which factors, such as zoning, comprehensive planning, or proximity to other uses, will affect a farm's future viability.

Over 500 parcels were placed into the process

please continue to page 5

IRS ruling, from page 1

in land, less than fee simple, which interest represents the right to prevent the development or improvement of the land for any purpose other than agricultural production."

The IRS has previously ruled on two like-kind exchange questions, one in which perpetual water rights were exchanged for land and one in which an easement and right-of-way were held to be like-kind exchanges for improved properties.

This is the first time, however, that the IRS has ruled on a situation directly involving conservation easements, Daniels said.

"This is much more specific and germane to the conservation movement and the preservation of land. Certainly much more germane to a like-kind exchange as a land preservation tool," he said.

In addition, Daniels said, the ruling makes it clear that the real estate being exchanged for easement proceeds does not have to be another farm, but can be any property that will produce income, a parcel with rental properties, for example. Farmland preservation goals are furthered, he said, as the farmer increases or stabilizes his own income and thus the long-term viability of his farming operation.

The ruling stated "the fact that any real estate involved is improved or unimproved is not material," since regulations state that "like-kind" relates to the "nature or character of the property and not to its grade or quality."

Bob Berner, executive director of the Marin Agricultural Land Trust (MALT) in Marin County, California, said the ruling is important and will make the easement option more attractive for farmers. Berner said MALT has executed similar arrangements under advisement that easements could qualify as a like-kind exchange.

Darby Bradley, president of the Vermont Land Trust said the ruling will be useful for more experienced land trusts under good advisement and that the ruling clears up the issue of capital gains and easements.

"We are seeing a number of situations where a farmer is leasing adjacent or nearby land and would like to purchase it." Bradley cited an example of a farmer asking the Trust to purchase a farm and then to resell it to him with the deed restrictions. "Like-kind would be used in those cases," Bradley said.

Stephen J. Small, a Boston tax attorney and

Steps in a like-kind exchange

- Farmer owns property A
- Farmer offers easement on property A to public agency or land trust in exchange for specified property B
- Agency or land trust, through qualified intermediary, acquires property B
- Property B is transferred to Farmer, who pays any remainder of costs for property B over amount of easement, and avoids capital gains tax on easement money.

author of *The Federal Tax Law of Conservation Easements* and *Preserving Family Lands*, said the ruling is "certainly another tool in the toolbox where funds are available. It will have a very positive effect."

Small said land conservation proponents should make sure they understand the intricacies of the law before they embark on a like-kind exchange. "The rules are quite precise," he said. "Cases have been reported where tax-free swaps weren't done right and the IRS said, 'sorry, that was a sale.' You can't just say 'I'm going to do a swap.' You must follow the precise rules."

Small said the ruling will increase the attractiveness of conservation easements. "It increases both the landowner's options and the administrator's. It can make the program more palatable to the landowner."

Donald Applegate, executive director of the New Jersey Agriculture Development Committee, which administers the state's farmland easement program, said the like-kind exchange option could be "an especially useful tool for the land trusts and I can see potential in our program as well."

Applegate said his program recently received two inquiries from farmers seeking like-kind transactions.

Daniels is currently working on three like-kind exchanges, each involving gains in farmland acreage. The transaction that triggered the request for a private letter ruling is expected to be completed this spring, he said.

Contact: Tom Daniels, (717) 299-8355; Darby Bradley, (802) 223-5234; Steve Small, (617) 728-9600; Don Applegate (609)984-2504; Bob Berner, (415) 663-1158.

Pa. court says objector to easement must be heard

HARRISBURG, PA — The Pennsylvania Commonwealth Court has ruled that a conservation easement offered to a Berks County farmer under the state farmland preservation program is invalid until the state Agricultural Land Preservation Board hears the objections of an adjacent landowner.

The court ruling is unclear as to the reason for the petitioner's objection to the easement, and rules only on questions of procedure.

The state Agricultural Preservation Board held that the petitioner had no standing as an aggrieved party under the state law requiring agencies to provide notice and an evidentiary hearing to parties aggrieved by an agency decision.

Senior Judge Emil E. Narick wrote that the litigant had standing because the legislature "expressly recognized the interest of neighboring landowners" in the process of forming agricultural security areas, the first step in the state program. Therefore, the judge ruled, an adjacent landowner may also object when the State Board is considering an easement purchase "when such a purchase would have the same adverse impact on his land."

The State Board has filed a petition for the case to be heard again before the Commonwealth Court, and could appeal to the state Supreme Court.

Fred Wertz, state program administrator, said the ruling could result in a longer, more cumbersome, and more costly easement process.

"It would appear the court is saying that on all easement purchases there would have to be notification of all adjacent landowners," he said. Wertz said he doubted whether such a change would affect the attractiveness of the program.

Tom Daniels, director of the Lancaster County program, said the ruling doesn't recognize that the formation of agricultural security areas and the purchase of easements are "two very different activities." Daniels said that the ruling will create more paperwork and delays. "The question is, do we have to have a public hearing to decide on an easement?"

Lancaster attorney Sam Goodley, who serves as counsel to the Lancaster County Agricultural Preserve Board, said the ruling leaves more questions

etcetera ...

Historic, scenic protection in transportation bill...

Washington, D.C. — The new transportation bill, which gives much more spending power to local and state governments, could provide funds for acquiring properties that enhance a scenic or historic roadway, according to Shelley Mastran of the National Trust for Historic Preservation.

It all depends on how the Federal Highway Administration interprets the legislation, Mastran said. Until the rules are written, there is "no definitive answer" on the potential of the provision. "It presumably would allow the acquisition of all kinds of real estate ... land and structures associated with the character of scenic corridors," she said. Localities would work through their state department of transportation for project approval.

The Trust is putting together an information sheet on the provisions of the transportation bill that pertain to preservation issues and the Trust is planning to hold regional conferences on the implementation of the transportation law. For a copy of the information sheet, call Kelly Sinclair of the Trust, at (202) 673-4183. For information on upcoming conferences, call *Shelley Mastran* at (202) 673-4037.

... and extra help in preserving rural character

Along with the broadening scope of uses for federal transportation funding, is a provision that will give rural conservationists increased opportunities to preserve historic roads and bridges when local and state highway departments insist on improvements that would damage a community's historic character.

The provision, sponsored by Sen. John Chafee of Rhode Island, would permit funds to be used even when design standards must be tailored for special projects.

Kelly Sinclair of the National Trust for Historic Preservation said the best approach to using the new power provided by the Chafee amendment is to have a road or bridge formally designated as historic. If it is a historic bridge, for example, Sinclair said the best approach would be to try to get it listed on the National Register of Historic Places. Then, work with local officials and your state or regional planning agency or state transportation department on plans to restore or rehabilitate the structure, and to apply for the funding.

By then, perhaps the rules for the new transportation law will be adopted. Until then, "nobody can say what regulations will come out of it. We're all feeling our way along," Sinclair said. *Kelly Sinclair* (202) 673-4183.

Chicago area farmland protection advised

Chicago, Ill. — In an attempt to slow the number of requested expansions of water and sewer service areas ever further into suburban Chicago's farming areas, the Northeastern Illinois Planning Commission in December adopted its updated comprehensive plan that earmarks 513 square miles in Kane and McHenry Counties for agricultural use.

It is undetermined whether the plan will apply to Will

County, where the Commission has proposed 342 square miles for agricultural designation, but where a new regional airport is proposed.

Farmland in the six-county Chicago metropolitan area declined by about 422 square miles between 1970 and 1990. Developed land increased by a nestimated 45 percent, while population increased by just four percent.

Service area boundaries are regulated by the Illinois Environmental Protection Agency (IEPA), the agency that would implement the plan.

Since so many municipalities and developers each year request service area expansions, said Steve Chard of the state department of agriculture, the Commission felt that certain farmland should be identified for protection.

However, Chard said, "the ag protection area is advisory. Hopefully the I.E.P.A. will take it into account, but they don't have to. We're gratified [the Commission] has embarked on the process because of fierce and unnecessary conversion" Chard said. "We're excited, but have no idea how it will be received."

Jean Coleman of the American Farmland Trust, midwest office, said the plan actually decreases the amount of acreage formally advised for protection, but toughens the criteria that must be met for approval of service area expansions. *Chard, (217) 782-6297.*

Vermont regional plans to direct growth

Essex Junction, Vt. — Vermont's 12 regional planning commissions have been developing new regional plans that will set thresholds for "substantial regional impact" of development projects. Under the state's Act 250, public hearings will be required for such projects.

Two Vermont regional planning commissions have completed their plans, and three have distributed drafts.

The Chittenden County Regional Planning Commission is one of the two that have completed their plans. The new plan will go farther in determining where development occurs, said Peter Keating, a planner for the Commission.

Because of the designation of growth centers and tougher criteria for determining impact, their will be an increase in the number of projects going to public hearings, Keating said.

Regional plans are required to designate agricultural areas. The Chittenden plan includes policies on preserving agricultural and forest lands, Keating said.

Next door to the Chittenden County jurisdiction is the Franklin-Grand Isle Regional Planning Commission, which has had to put its regional plan update on the back burner because of budget cuts, said Sharon Murray, a planner with the Commission.

Murray said her commission must deal with the growth coming from the Burlington area, which is in Chittenden County. Murray said the state statutes have promoted large-lot zoning and fixed-area based allocation, and that ag zones are combined with rural residential. Her commission is "trying to develop LESA language and possibly TDR on a regional level," she said, but nothing in the Act 250 statute allows it. However, she said, "we have very distinct growth and ag areas," that would be conducive to TDR. *Keating, (802) 658-3004; Murray, (802) 524-5958.*

Pa. court ruling, from preceding page

than it answers. The link the ruling makes between the agricultural security area and easement procedures, Goodley said, represents a "leap in logic" that "doesn't seem to make much sense."

Goodley said it is unclear whether the court is saying that easement decisions will be invalid if all parties are not heard.

The state offered the owners of the 130-acre farm in Heidelberg Township, Berks County, about \$2600 per acre, a total of \$340,782. The parcel is zoned for agricultural preservation, with one building right per 50 acres. About 54 percent of the township's land area is zoned for agricultural preservation.

Contact: Fred Wertz, (717) 783-3167; Tom Daniels, (717) 299-8355; Sam Goodley, (717) 299-1100.

Using LESA system to identify, protect farmland

continued from page 2

in Chittenden, according to Herbert Durfee, a planner with the Chittenden County Regional Planning Commission.

Durfee said the LESA process has been stalled while waiting to complete a GIS digitalization of the ag areas. "We need to get the remainder digitized ... After they're done, we'll be able to overlay soils on the parcels," Durfee said. One quarter to one third of municipalities have been digitized.

The Commission plans to use the LESA system to determine which areas of the county are prime farmland areas. Once completed, proposed residential development in those areas would be required to go through the state's Act 250 hearings, in which development projects must be in conformance with local and regional plans. Durfee said if a project would be surrounded by agricultural uses, its approval would be less likely.

"We want to get people to think about what agricultural lands are out there. We want to get people at the local level involved," Durfee said.

Durfee said that while the LESA system is waiting for GIS completion, staff have been doing site visits to LESA parcels, and are "interested in doing a forest LESA."

One of the problems Chittenden County faces,

please continue to page 8

Maryland counties**Localities respond to funding shortfalls***continued from page 1*

state does purchase the easement, the landowner would reimburse the county. The program would in effect become the county's own easement program if the option funds were not returned, Powel said. "We anticipate many applications," he said.

In Montgomery County, where a separate county easement purchase program was established in 1989, funding seems secure for the moment, according to Jeremy Criss. "With respect to priorities of the county, and the intent as of right now, we're holding our own," Criss said of the county's PDR program.

Maryland counties have gone through three rounds of state budget cuts in FY 92. During the last round, Criss said, Montgomery officials eyed \$1 million that could have been taken from the program, but did not take it. Now, the county is girding for another round of cuts promised by the governor.

"I don't feel the county council will identify our funds," as a means of balancing the budget, Criss said. Local participation may use up the remaining funds in the program by June 30, pending settlement on 16 properties encompassing 1,872 acres, Criss said.

Criss is concerned however, that while many applications are coming in, revenue from the state's transfer tax is anemic compared to years prior. So far in FY 92, only \$68,000 has been collected. In FY 91, the county collected only \$147,000, whereas in FY 90 it collected \$2.5 million, Criss said.

To make up for the shortfall, Criss said he plans "to develop a long-term strategy with alternative funding sources," which would begin to take up the slack in 1993. General obligation bonds are a possibility, he said.

In addition, this year Criss has begun implementing a new policy of holding for future sale the development rights on easement properties. The funds from the sale of transferred rights would be turned back into the program.

Edward Thompson Jr., chairman of the county's agricultural land preservation advisory board, said the problem with stockpiling development rights in the county PDR program, is that when growth is slow so will the income from transfer sales be slow, and that's when the money is most needed. The price of the transferrable rights could be discounted to induce sale, but that would reduce what farmers would get for their rights in the county's TDR program, he said.

While the program has the authority to stockpile the rights, it does not yet have the authority from the county to sell them, Criss said.

In Harford County, where work on a multi-faceted rural protection plan is underway, local officials have proposed a one percent real estate transfer tax to be dedicated to funding a county easement program and to new school construction. The county must gain approval from the state legislature to enact the tax, and for the tax to be dedicated, voter approval is required.

*continue to page 7***legislative
briefs ...**

In Maryland ... Bills resulting from a task force seeking to alter criteria for eligibility in the state farmland preservation program are **HB 189**, which would separate the two steps in the program — district formation and easement sale, by having each process administered by separate agencies; **HB 237** would require parcels to be owned for at least 18 months prior to easement sale, and, would require a minimum of 20 acres for easement sale. Paul Scheidt, (301) 841-5860. Also, **HB 707** would terminate appraisal reimbursement to landowners. The bills have been opposed by county administrators, the farm bureau and others growth management legislation back from last year on a softer note, **HB 457** and **SB 285** would expand the powers of counties to facilitate order of growth through zoning and subdivision regulations Rick Staisloff, (301) 841-3710 ... Harford County has requested legislative authority to enact a real estate transfer tax, half the revenue, an estimated \$2 million, to be dedicated to a local farmland preservation program. Voter approval is required for dedication. Mike Paone, (301) 838-6000, ext. 103.

In California ... The governor's budget proposal includes full funding for subvention payments to localities under the Williamson Act, which reimburses localities for revenues lost through agricultural use assessment on farmland. Four growth management bills carried over from last year are in committee. Peter Detwiler, (916) 445-9748. The governor has not yet presented a much-awaited growth management plan.

In Illinois ... Amendments that would strengthen the state's farmland preservation act may be introduced this spring by the Bureau of Farmland Protection. Chard, (217) 782-6297.

In Kentucky ... No land conservation bills have yet been introduced.

In New Hampshire ... **HB 1127**, which would abolish the current use law, is in

committee. A public hearing drew 300 people, nearly all opposed to the measure, according to Will Abbott of the Land Conservation Investment Program. The current use law limits property tax on farmland by assessing it according to its value as a farm. **HB 1242** would create a study commission for reforming the current use law rather than abolishing it. Will Abbott, (603) 271-2326

In Pennsylvania ... \$3.1 million in remaining bond funds for the farmland preservation program have been reallocated. Fred Wertz, (717) 783-3167.

In Vermont ... H922 attempts to streamline the state's current use law by reducing state subsidies to landowners. The bill is now out of committee. Whether or not the bill passes, the legislature can still decrease subsidies, said Bill Snow of the state assessments office. Snow, (802) 241-3500.

In Massachusetts ... A bill has been refiled requesting a \$25 million allocation for the farmland preservation program. "We're hoping this year something will come of it," said Rich Hubbard, state program coordinator. The program has \$3 million for acquiring easements this year and is currently working on eight applications. Hubbard, (508) 792-7710.

In Rhode Island ... The legislative Land Use Commission is reviewing the Land Development and Subdivision Review Act, the latest phase of the state's revamping of its land use enabling laws. Susan Morrison, (401) 277-1220.



Maryland counties, from preceding page

County officials say the new tax would generate about \$4 million per year, half to be dedicated to farmland preservation.

While political support for a local easement program in Harford County has been strong, local officials say enacting a new tax during a recession and in the midst of possible new taxes from the state legislature will be difficult.

A two-percent agricultural transfer tax was authorized for Washington County last year, according to Eric Siefarth, program administrator, but at the current rate of farmland conversion, such a tax would be expected to raise less than \$10,000 per year. Elected officials also decided it was a bad time for a new tax. Siefarth is working on getting the county certified under the state program.

In Calvert County, a plan is being developed to purchase development rights from farmers on a partial buyout basis, purchasing no more than 10 rights per year from a given parcel. An interest-bearing account would be created out of current funds and along with matching funds from the state, according to Greg Bowen, the program would have about \$100,000 to \$150,000 per year. The county would not buy the rights to transfer, Bowen said. The plan has not been approved.

In several Maryland counties, new zoning and development regulations are being proposed as reinforcements to farmland preservation goals. Howard and Harford Counties are currently proposing rural cluster provisions. Calvert County program administrator Greg Bowen says limited development would be one option discussed at an upcoming charette aimed at exploring ways to protect the county's remaining rural character.

In Howard County, where installment purchase of easements was pioneered to make easement purchase more affordable, the county's program appears to be on hold for about six months while the county considers its comprehensive zoning plan that proposes two new zoning districts. In one of the districts, called the rural conservation district, clustering is mandated, said program administrator John Musselman. Musselman said the county's proposed cluster ordinance is being billed as a farmland preservation technique.

Howard's proposed ordinance would mandate clustering in the rural conservation district. On parcels of 20 acres or larger, development would be clustered on one-acre lots at a density of one dwelling unit per five gross acres. The area remaining would be a "preservation parcel" to be placed under easement. Parcels over 100 acres could be subdivided into 50-acre lots.

While a technical staff report says the cluster ordinance is "based on the need to reinforce the Agricultural Land Preservation Program," many uses other than farming would be allowed by right on the preservation parcels. Those uses include "private outdoor recreational facilities such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a

Maryland counties respond to recession

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community and their guests." The ordinance would also allow by right public schools, country clubs and golf courses, and one dwelling to be constructed on preservation parcels.

A density exchange option is also proposed as an overlay district to rural conservation areas. Parcels in the rural conservation district could serve as sending and receiving areas. A minimum of 50 acres would be required for sending areas, made up of parcels 20 acres or larger, and density could be sent at a rate of one development unit per three gross acres. The receiving area parcel must be less than 50 acres and 60 percent of the parcel must border existing development. The receiving area may be developed with up to one dwelling unit per two gross acres.

Harford County has also developed a rural cluster plan aimed at assisting the county's farmland preservation goals.

Many localities from New England to the mid-Atlantic states are enacting cluster provisions for rural areas as a means of protecting rural character. In Maryland, proposed state planning guidelines encourage it.

But farmland preservation professionals, in the field and in academia, hold that because of conflicts inherent between new residents and farming operations, rural clustering will not help keep farmers in farming and most likely will lead them to abandon it.

Contact: Bill Powel, (301) 857-2131; Jeremy Criss, (301) 217-2345; John Musselman, (301) 313-5407; Greg Bowen, (301) 535-2348.

resources ...

Conferences

April 23 - 26: Olive Branch, Miss. An intensive workshop organized by the Rural Heritage Initiative of the National Trust for Historic Preservation. For professionals in rural planning, land use, economic development, "Your Town: Designing its Future," was developed by the National Endowment for the Arts in cooperation with the National Trust and the faculty of the landscape architecture program at the State University of New York, Syracuse. The workshop includes lectures, case studies, seminars and walking tours. Cost: tuition, \$140, \$175 after Feb. 15; meals and lodging, \$280. Register by March 5. For brochure call Shelley Mastran at the National Trust, (202) 673-4037.

May 9-13: Washington, D.C. APA National Conference. Call (312) 955-9100 for brochure. Overall theme, "Creating Community: Making Public Policy." Sixty mobile workshops to Baltimore, Washington, Northern Virginia and Annapolis area sites, 150 concurrent sessions including Making Rural Clustering Work, Rural Policy Development, Small Town Historic Preservation. Cost: members, \$305, nonmembers, \$405 by March 27.

ABBREVIATED FROM PREVIOUS LISTING:

March 26 - 28: Kansas City, MO, First National Conference on Land Evaluation and Site Assessment Systems, hosted by the Dept. of Community and Regional Planning, Kansas State. Sessions include: Local eastern states LESA systems, western states systems, central states systems, PDR and conservation easements, ag zoning, evolution of farmland protection in the U.S., etc. Cost: \$75. Lodging, \$58 by March 1. For information contact John Keller, KSU, Seaton Hall 302, Manhattan, KS 66506, (913) 532-5958.

May 4 - 6: Cape May, N.J., Open Space Preservation Conference sponsored by Open Space America. Themes: community open space, value of open space, innovative funding, developer's perspective, agricultural preservation, metro open space planning. Field trips to Cape May Historic District, the Pinelands, Cape Henlopen, South Jersey towns. Write OSA, Box 413-B, McDonald Ave, Milmay, NJ 08340 or call (609) 476-4224.

May 17-20: Madison, WI, The Fourth North American Symposium on Society and Resource Management. General themes include cultural resource management, environmental ethics, GIS for resource management, landscape aesthetics. Fifty-five concurrent sessions, poster session, round tables, four plenary theme addresses, two field trips and three receptions. Call School of Natural Resources, Univ. of Wis., (608) 262-6968.

In local Vermont LESA, tourism scores

continued from page 5

Durfee said, is a question of its destiny, in which tourism plays a large role. Protection of agriculture takes on a dual role, one of protecting aesthetics and one of protecting productivity.

In the county's hilly region, productivity is lower, but scenic views are a premium. "Tourism is a part of LESA here," he said.

"The question in Chittenden County is, what's going to happen to us? Do we keep productive farming or just paint the barns for tourists? I think LESA will help solve some of those problems ... getting people to talk about it is the important thing," Durfee said.

The LESA process will help planners — professionals and citizens alike — to look at farming in a more regional sense, to identify

where productivity is greatest and most likely to continue, so that stronger land use controls can be considered, such as the transfer of development rights, he said.

The LESA system was designed as part of the USDA's farmland protection program in 1983, under the Farmland Protection Policy Act, a law which has seen little or no implementation under the Reagan and Bush administrations, according to the American Farmland Trust. The Act requires federal agencies to minimize farmland conversion that may result from programs or activities.

All about LESA: Contact Lloyd Wright at the Soil Conservation Service, (202) 382-1853, or Fritz Steiner at Arizona State University, (602) 965-7167.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Study links industrial development to rising property taxes

WHEATON, IL — In what could be the first study of its kind, DuPage County, Illinois, which makes up part of suburban Chicago, has gathered data showing that commercial and industrial development has not only not improved the local tax base, but has been a major cause of significant and consistent property tax increases.

Two effects attributable to nonresidential development account for this, the study said: one, nonresidential uses bring new residents and workers who demand more services, and two, existing residents demand more services because of the increasingly urbanized environment.

Elected officials in DuPage, as in localities across the nation, have long presumed that nonresidential development will balance out the costs of rapid residential growth, that it will keep property taxes under control, maybe even decrease them. According to figures presented in the study, elected officials and their advisors, at least in DuPage County, have been wrong.

The study shows that between 1986 and 1989, the county's population, hovering at 800,000,

increased by 1.91 percent, its employment rate increased by 9.33 percent, and its tax levy also increased — by a whopping 16.54 percent.

The study has put the concept of fiscal impact analysis into a whole new framework, and has given land conservation initiatives strong new evidence that conserving land may be more fiscally wise than economic development strategies to attract new industry.

The DuPage study concludes that increasing assessed valuations through development will not necessarily result in lower average property tax rates.

It did not result in lower rates in DuPage County, which now pays the second highest residential per capita property tax in the state.

The study focuses on the relationship between types of development and tax levies, showing empirically the relationships between increasing tax levies and differential growth rates of residential and nonresidential uses.

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Supreme Court ruling could chill land conservation efforts

WASHINGTON, D.C. — A Supreme Court ruling by next July could make state and local governments think twice before enforcing or enacting laws that prohibit development, particularly if the law's primary intent is seemingly to protect or preserve open land.

The case, *Lucas v. South Carolina Coastal Council*, involves a coastal protection law designed to protect a vulnerable shoreline, but also to prevent public harm from natural disasters.

Involved are two oceanfront properties on an island near Charleston that were purchased for nearly one million dollars in 1986 with intention to build two homes. A state coastal protection law that

took effect two years later prevented construction. The area was subject to flooding, state officials said. In September 1989, one year after enactment, the area was devastated by Hurricane Hugo.

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Maryland state planning tries 'more incremental approach'

ANNAPOLIS, MD — After last year's deafening rebuke from local officials and farmers who rejected the state's bid for deeper involvement in local planning and zoning, the state is proposing legislation that offers land use policy guidance to localities and requires some development regulation changes.

The legislation "is not necessarily a bold initiative, but a groundwork on which a consensus can be built," said state planning director Ronald Kreitner at a recent growth management conference in Baltimore.

Last year, the proposal that would have created definitive zoning statewide in what was called the "2020 bill," was so hotly contested by the state farm bureau and by local officials, the legislature rolled up the initiative and placed it in a study mode (See FPR, April 91). The 2020 legislation would have created four zoning categories, one in which agriculturally zoned land would be restricted statewide to one building right per 20 acres.

Responding to criticism that the 2020 proposal had been rushed to the legislature without enough citizen input, state planners and citizen groups have held public workshops to keep the initiative alive and strengthen its chances for legislative action this year.

Several bills will be submitted that would: reconstitute the State Planning Commission as the State Growth and Resource Policy Commission, and charge it with preparing models, monitoring progress, and assisting in resolving intergovernmental conflicts; create a cabinet level interagency coordination committee called the Interagency Growth and Resource Policy Committee that would implement policy guidelines; and, enable localities to use additional powers to encourage the provision of affordable housing and manage growth.

Among policy proposals that have received conceptual agreement from the Maryland Association of Counties, and will be introduced as legislation this year, is a requirement that zoning and subdivision regulations be consistent with elements of comprehensive plans.

Some subdivision regulations, including state and county road and street standards, would have to be de-standardized, and allow for differences in topography and community character, according to Roland English of the Maryland Office of Planning. English said the object would be to "fit develop-

ment into the environmental setting," and to avoid unnecessary removal of trees or other landscape features in the development process. Unnecessarily wide streets would also be a target, he said.

In the coming year, state planners will work with localities and citizen groups to develop a State Growth and Resource Policy Plan to guide growth and protect the environment. Consensus building will be the primary focus, English said, in this "more incremental approach" to statewide planning. *Contact: Roland English, (410) 225-4500.*

Seeking consensus on how to change land use patterns in Va.

FAIRFAX, VA — Initiating a change in the pattern and density of development is the ultimate aim of a group formed primarily to build consensus on how Virginia's land resources can be used more efficiently.

Friends of Virginia's Future, formed last summer, also seeks to examine tax policy and possibilities for a property tax structure based on development densities and patterns, according to Ed Risse, a land use consultant in Fairfax.

Risse said the group hopes to build a consensus on a set of questions developed by its advisory committee, dealing with pattern and density of development, resource consumption, and their relationship to property value and property rights. The group will conduct public forums around the state, he said.

Risse said the goal is to develop a systematic approach to changing the pattern and density of land use in urban as well as rural areas.

Risse said the consensus building format is a necessary precursor to the nuts and bolts issues on how to begin to initiate changes in land use.

"We don't want to talk about growth management. Rational patterns of development is the basic thrust, not TDR, not flood plain preservation or development fees." Those are implementation tools that would come later, he said.

Robert J. Gray, a planning and land use consultant based in Washington, D.C. and a member of the advisory committee, said that participants feel "a massive educational effort is necessary" to achieve more efficient land use in Virginia.

"After seeing what happened in Maryland, we see you need a great deal of groundwork initially," he said. Gray said that because there is no home rule in Virginia, "we will need an awful lot of work to get anything that's comprehensive." *Contact: Ed Risse, (703) 968-4300.*

Industrial uses linked to an increase in property taxes

continued from page 1

"The results indicate," the study says, "that both residential and nonresidential land uses exhibit significant impacts on property tax levy increases ... there is a strong association between areas of the county with significant development and increases in their total tax levies."

While adding the disclaimer that other geographic areas "should be cautious about applying the results in a general fashion," Dalip Bammi, director of the DuPage County Development Department, Planning Division, said the model for the study should be useful.

"It's important people can take the basic concept and apply it to their own data." Bammi said he wouldn't be surprised if other localities came up with the same conclusions. His office has gotten many inquiries since the study was the subject of a story in the *Wall Street Journal* Sept. 25.

Bammi initiated the study, which was conducted completely in-house, as part of the county's land use plan update. At that time, many of the county's 35 municipalities commented that they needed more nonresidential development to help lower their taxes.

"We said, 'OK, let's look at that.' We looked at property tax levies and where development took place. What we are saying is, this perception doesn't seem to have panned out." At the public hearings on the plan, only one municipality rejected the study as inconclusive, Bammi said.

"No one can deny the data clearly show a relationship," between nonresidential development and increased property taxes, he said.

The study was released almost concurrently with a report by the Northeastern Illinois Planning Commission (NIPC), that showed population growth is not the factor behind suburban sprawl in the Chicago area. Population in the six metropolitan counties, including DuPage, grew by only 4.1 percent from 1970 to 1990, yet development of residential land increased by up to 65 percent, the NIPC said. About 300,000 acres of farmland have been developed since 1980, the report found.

Fiscal impact analyses examine population and level-of-service needs to predict fiscal allocations through rigorous statistical models. Such analyses

have traditionally been used by urban governments, but the methodology began to be used by more suburban and rural localities for examining the costs associated with sprawl, according to James D. Riggle, director of operations for the American Farmland Trust.

"What happened is, in the late 1970s, those tools began to be applied to rural land and rural issues," Riggle said.

Riggle was part of a team that examined the

Population growth vs. land consumption in northeastern Illinois

A study of the six-county northeastern Illinois area from 1970 to 1990

- Population growth: 4.1 percent
- Increase in residential land: 45 to 65 percent
- Growth in households: 20 percent
- Increase in auto registrations: 46 percent
- Employment growth: 24 percent

Source: Northeastern Illinois Planning Commission

fiscal effects of sprawl in DeKalb County, Illinois, one county west of DuPage, in 1979. The study, "Residential Development in Unincorporated Areas of DeKalb County," conducted by Northern Illinois University, began a new way of thinking about fiscal impacts, Riggle said.

Since then, many localities have conducted similar studies that examine the fiscal effects of sprawl, Riggle said. The American Farmland Trust has conducted several studies which it calls "cost-of-community-service studies," including those of Loudoun County, Va., and Dutchess County, N.Y. Those studies showed that farmland, even when taxed at current use, generates more in taxes than it uses in services.

The AFT's most recent study, conducted in the Connecticut River Valley in Massachusetts, showed that for each dollar collected from residential uses, an average of \$1.14 was spent for services. For the commercial/industrial dollar, an average of 36 cents was spent for services, and for the farm use dollar, an average of 30 cents.

Bob Wagner of AFT's northeastern office, said the AFT recognizes that commercial and industrial use can't be looked at solely by its positive cost/revenue ratio "because of the residential development it brings with it," the main point brought out

please continue to page 8

CALIFORNIA GROWTH MANAGEMENT**Consensus project nets some "emerging agreements"**

SACRAMENTO, CA -- Promoting compact development patterns and increasing the cost of automobile use are two growth management solutions seen by a group whose goal over the past year was to reach at least some consensus on how the state should change how it grows.

The Growth Management Consensus Project, sponsored by California State University at Sacramento, began last January to provide a platform for developing agreement between interests often at odds with each other.

Thirty-one participants from environmental groups, governmental and professional associations, developers, realtors, bankers, the farm bureau, affordable housing advocates and planners had a starting point of agreement: that the pattern of development in the state has devastated the state's resources.

Broad consensus was not found, but points of "emerging agreement" were reached, and one point made throughout was that the state should have a "clear and consistent" leadership role.

The Project endorsed the concept of compact development patterns, and specified higher density, mixed use development and a targeting of the state's infrastructure investment to promote more compact patterns.

The participants also endorsed the concept of a system to designate where development should occur, but disagreed over how to do it. Environmental groups favored the urban growth boundary concept while developers preferred to designate resources for protection and to streamline development procedures in targeted growth areas.

Farmland preservation was supported, but agreement on how far protections should be extended and what types of farmland should be preserved were matters of contention.

The Project participants agreed that the state should make it much more expensive to drive a car, using fuel taxes, tolls and licensing fees as incentives to use public transportation in areas where it is readily available. A tax could be applied based on number of miles driven and whether the driver is using the car during congested hours, according to

please continue to next page

etcetera ...**Hawaiian island plans for possible sugar decline**

Lihue, Hi — A private consultant recently hired by the Hawaiian island of Kauai to update its comprehensive plan will be including recommendations to prepare the island for the possible decline of the sugar industry, which makes up 90 percent of its agricultural output.

Jeff Lacy, formerly of the Center for Rural Massachusetts, is preparing an agricultural element for the plan, noting that the state's farmland preservation policies have been not much more than lip service. In addition, subdivision in the state's farming areas was made easier to accommodate small farmers, but "it usually ends up in Martini ranches," Lacy said.

Agriculture there could be threatened by economic realities as well. While the island produces more sugar per acre than anywhere in the world, Lacy said, the Philippines has become a tough competitor with its cheap labor costs. Without government subsidies, Hawaiian sugar would be a thing of the past, Lacy said. The island has been experimenting with coffee as a substitute crop, he said. *Lacy, (808) 245-3919.*

Wisconsin farmers receive \$42 million in benefits

Madison, Wi — Two Wisconsin programs paid out \$42 million in benefits to farmers in 1991, according to Mark D. Bugher, secretary of revenue.

The Farmland Preservation Credit program requires that parcels be zoned for exclusive agricultural use or that the owner agree to preserve the parcel. Seventy-eight percent of the 8.1 million acres protected under the program are zoned for exclusive ag, and 22 percent are covered under state/owner agreements.

A second program provides tax credits equal to 10 percent of the first \$10,000 of qualifying farmland, exclusive of improvements. Virtually all farmers in the state receive the credit, which averaged \$229 in 1991.

Exclusive ag zoning was adopted in seven towns in 1991, enabling hundreds of additional claimants in the Farmland Preservation Credit program. *Mark Bugher, (608) 266-6466.*

Local administrators in Pa. seek improvements

Harrisburg, Pa — Farmland preservation program administrators from 19 Pennsylvania counties told the state Farmland Protection Board that they want to be consulted about proposed legislation and administrative changes early in the consideration process, and that communication between the state board and administrators needs to be improved.

Improved communications was the general theme in a list of recommendations presented to the board in November. Several administrators said that information has been difficult to obtain from the state farmland protection office, and that they were not consulted regarding changes in the program under consideration by the state board.

Recommendations from local administrators were presented to the state board by Ann Orth of the American

Farmland Trust Pennsylvania field office. Over the past two years, Orth has convened day-long workshops for local administrators to compare experiences in program activities.

Responding to the recommendations, the board has begun sending minutes of its meetings to administrators, and has asked for input on changes in the program's minimum criteria, according to Rich Harvey of the Bucks County Agricultural Land Preservation Program.

The board has also agreed to establish a task force whose members would include local administrators, to explore possible legislation.

Orth said it is time for local experience to be used to improve the four-year-old program.

"County administrators work on this every day, and they need to share their experiences so the program can be finetuned," she said. *Ann Orth, (215) 469-0666.*

Land use innovation in Va. could receive grants

Richmond, Va. — An agency organized this fall under the Virginia Department of Housing and Community Development has completed its first round of applications in a program that provides grants for innovation in rural development programs, including land use and conservation projects.

The Center on Rural Development would provide grants in the amount of \$40,000 for implementation and \$20,000 for planning of such projects that "enhance or preserve rural values." Although farmland preservation is not a top issue, "we would consider giving a grant in that area," said Eileen Fitzgerald.

Fitzgerald said localities considering fiscal impact analyses could qualify for funding if they can demonstrate the approach is "innovative in Virginia, and applicable to other areas." She added the Center has "a lot of interest in growth management, GIS and the Bay acts."

The Center is the first agency of its kind in Virginia. *Eileen Fitzgerald, (804) 371-2665.*

Del. begins long road to farmland preservation

Dover, De — Delaware's new Agricultural Preservation Foundation, created by the legislature last year to establish a purchase of development rights program, has been meeting since October.

Meeting its goal will be an uphill battle, according to Michael McGrath of the state department of agriculture. McGrath says the absence of zoning that effectively protects farmland and environmentally sensitive land in the state means the farmland preservation program will serve in a precursor role that will require some patience.

None of the three counties in Delaware have zoning that restricts densities in agricultural areas (see story, FPR, Sept. 91) meaning easements may be unaffordable for the state.

The foundation has begun establishing a GIS program, working through the statewide Land Evaluation and Site Assessment system. The Foundation will soon meet with counties to establish county advisory committees. In addition, a committee has formed to explore long-range funding possibilities for the program. *Mike McGrath, (302) 739-4811.*

Consensus, from preceding page

Susan Sherry, director for the project, who called the initiative a "sprawl tax."

Where possible, she said, "we would be using the marketplace to get people out of their cars."

Even with the state's vastly divergent landscapes and economies, the Project participants seemed to confirm that statewide land use policy was a workable goal.

That was the charge led by Gov. Pete Wilson last spring, but in a strong home rule state, Wilson and his own Growth Management Council committed to a bottoms-up approach with state leadership in policy and procedure. Wilson felt the work of his Growth Management Council would be so significant, he asked the legislature to hold off on bills related to growth management so that a more comprehensive approach could be advised. The Council is due to release its report later this month.

The governor said in his State of the State address Jan. 8 that "managing the impact of growth on our physical and human environment" is a priority of his administration and that he would soon announce "a new blueprint to manage growth." Meanwhile, he is proposing \$628 million in bond issues to expand parklands and preserve forest and natural habitat, and \$6 billion in general obligation bonds for infrastructure replacement and expansion.

While many perceive the state's growth problems as immense and requiring long-term solutions, many participants in the Consensus Project felt the project itself was a starting point of significant change in state government and in how special interests work together, even though true consensus was not reached.

"It has laid the groundwork for some unusual and exciting coalition building," said Gordon Hart, who serves as lobbyist for Sierra Club California.

"Personal animosities get in the way, but to the extent you break them down, you create opportunities, and it really did generate new ideas and repackage old ideas," Hart said. "There was more dialog than ever before that both environmentalists and developers need more certainty than they have now. [The Project] was politically and substantively valuable." *Contact: Susan Sherry, (916) 649-8008; Gordon Hart, (916) 444-6906.*



Ruling may chill conservation outlook

continued from page 1

Lucas claims he is entitled to just compensation under the Fifth Amendment. A trial court awarded him \$1.2 million, but the state Supreme Court reversed the ruling in favor of the state, concluding that since the regulation was imposed for public safety purposes, just compensation was not required.

The courts currently interpret the Just Compensation clause of the Fifth Amendment (the takings clause) according to the 1987 *Nollan vs. California Coastal Commission*, in which the Court held that when a public agency takes private property that taking must be closely linked to a specific public policy that is in the interest of the state.

Observers fear the perception of that interest may be in for a change, citing the make-up of the Supreme Court as decidedly conservative, and workings within the Bush administration that strongly favor industry over environmental regulation. The state's interest could become more strictly defined as protection from harm, rather than receipt of an often less tangible benefit, such as preserved open space.

"The courts are starting to make the distinction between harm and benefits," said Christopher J. Duerksen, a land use attorney and senior vice president of Clarion Associates, Inc. in Denver. "The court to date has not made that distinction, but I'm worried it's a very slippery slope to get on ... I worry we'll get on that slope and won't be able to get off," he said.

Duerksen, who co-authored a 1989 American Planning Association report on the takings issue, said that he doesn't see a direct threat to localities considering open space protection laws "because most regulations don't wipe out land value totally. Even if they find a taking, I don't see many open space ordinances around the country that have that impact." Downzoning to protect farmland in particular, he said, could not be considered a taking as long as farming was still a viable economic benefit.

Depending on how the court decides, the case could have serious ramifications for coastal protection, as well as for land use management of critical and environmental areas, according to Kerry Kehoe, legislative counsel for the Coastal States Organization, a nonprofit agency serving the coastal environmental interests of 32 states and territories.

Kehoe has been working for four years on legislation that would require localities to manage erosion hazard areas as a condition to receive federal flood insurance. "It could have a chilling effect on all types of land use regulation, no matter how narrow the ruling is," Kehoe said.

The Lucas case comes at a time when an increasingly vocal ultra-conservative movement is advocating the protection of property rights above public interest. The movement opposes

continue to page 7

legislative briefs ...

In Virginia ... The Council on the Environment, the state's environmental enforcement agency, has stalled its review of agencies that are required to comply with the state's Farmland Preservation Act. An initiative to strengthen or improve implementation of the law has also been put on the back burner because of budget cuts, according to John Marling, (804) 786-4500.

In California ... Gov. Pete Wilson announced in his State of the State address Jan. 8 that he will propose a \$628 million bond initiative to preserve forests and natural habitat, and to expand parks ... four major growth management bills have been carried over from last session.

In New York ... The "Greenway Council" bill was signed by the governor Dec. 31. It will promote preservation of open land in the Hudson Valley and partnerships between business and governments. It will also help promote ag products. ... The state's first open space conservation plan has been released. Acquisition through fee simple as well as easements and other methods were advised. Hearings. Call (518) 457-5400 for a copy of the plan.

In Oregon ... No legislature meets this year. A Joint Legislative Committee on Land Use will be laying the groundwork for a new secondary lands proposal.

In Maryland ... see story, page 2.

In Pennsylvania ... SB 1067 would clarify several elements of the farmland preservation program and allocate unspent funds. Fred Wertz, (717) 783-3167.

In Maine ... (Correction to Oct. 91 issue: A \$5 million, not a \$50 million), bond issue on the ballot in Nov. failed. About 43 percent of the voters were in favor of the measure, which would have funded acquisition of recreational and scenic lands. No more bond issues will be sought in the immediate future, said Jim Bernard of the Dept. of Agriculture, Food and Rural Resources. The money would

have funded the Land For Maine's Future program, which has just \$7.5 million remaining from a 1987 bond issue. Bernard, (207) 289-3511.

In New Hampshire ... A broad-based coalition including agricultural, real estate and conservation interests quickly formed to oppose legislation that would abolish the "current use" law, which limits property tax on farmland by assessing it according to its value as a farm. The coalition is battling against **HB 1127**, introduced as a deficit reduction bill, and is pushing for **HB 1242**, a bill that would create a study commission to "fine-tune the existing law, rather than abolish it," said Will Abbott of the Land Conservation Investment Program. Abbott said a high percentage of the state's tax liability falls on the property tax, because the state has no sales tax. Close to half of the state's land mass is assessed at current use value ... **HB 1348**, would add a surcharge onto current use assessments for educational purposes ... another proposal would create a penalty of 10 percent of the market value for converting agricultural land. Abbott, (603) 271-2326.

In Vermont ... A report that a similar move is underway in Vermont to undercut its current use law could not be confirmed at press time.

In Kentucky ... No related bills introduced as of press time.

In Congress ... Revisions to the Farms for the Future Act submitted as technical corrections by Sen. Patrick Leahy of Vermont make the proposed rules written by the Farmers Home Administration virtually obsolete, according to Steve Etka of the American Farmland Trust. The rules, sharply criticized by the AFT, "would have made it virtually impossible for any state to fully take advantage of the benefits of the original legislation," Leahy said.

The law now states explicitly that states may use bond money as well as the value of easement donations to be eligible for matching funds. The Aug. 91 deadline for eligibility has been removed, allowing future state programs to qualify, and, the 10-year loan term specification, a term no states use, has been removed. Etka, (202) 659-5170.

Supreme Court, from preceding page

public interest regulation and has made many conservation interests, public and private, wary of litigation. Some groups are reviewing the takings law to reassure their own ranks.

Reassurance may be in short supply, according to the National Trust for Historic Preservation, which said in a recent position paper that "evidence is emerging that legislatures and government agencies, charged with protecting the environment ... are curtailing actions beyond what is constitutionally required ... the threat of monetary damages has been particularly effective in discouraging local government officials from enacting public interest laws," the paper said.

The chilling effect was apparent in the U.S. Senate this year, the National Trust said, when the Senate adopted its version of the transportation bill. In a vote of 55-44, it adopted an amendment that would have required federal agencies to ensure rules would not result in takings that would require compensation.

Most disturbing about the Senate vote, said the National Trust, was that the affected agencies would have been required to interpret the Just Compensation clause of the Fifth Amendment according to a Reagan administration executive order, an interpretation disputed by many constitutional experts, the Trust said. Referred to as the Syms amendment, it was eventually dropped from the transportation bill adopted by the House and signed by the president last month.

Since the 1920's, when the Supreme Court decided that a balance between property rights and the public good was the proper course in land use decisions, courts have allowed thousands of environmental and land protection regulations to become the groundwork of a social and land ethic. State and local elected officials and public works and planning professionals have been able to apply regulations to protect the public interest even when land values were reduced, and the protections could be instituted without jeopardizing the public coffers.

That prerogative is now threatened, observers say.

The National Trust announced in November it has spearheaded a project that will advocate a continued regulatory prerogative for government. The project will provide assistance to negotiating parties, track federal and state court actions on the takings issue, and serve as an information clearinghouse.

The National Trust initiative appears to be timely. Property rights is "an issue that policy makers can't avoid," said Russ Baxter of the Chesapeake Bay Commission's Virginia office. Baxter said both the Bay Commission and Virginia's Commission on Population Growth and Development had discussed the issue.

Virginia Del. Tayloe Murphy, chairman of the latter commission, stated at a recent growth management conference that the rights of property owners had to be put into the context of what is right for the public and that "land use control is a correct policy."

Contact: Ian Spatz, National Trust: (202) 673-4000; Chris Duerksen: (303) 820-4527; Kerry Kehoe: (202) 628-9636.

DuPage County study could be first of its kind

continued from page 3

in the DuPage report.

The DuPage County report, however, is thought by several experts to be the first study to show the extended, indirect fiscal impacts of commercial and industrial uses.

Jim Nicholas, of the University of Florida, Growth Management Studies, said he has not seen any similar studies. While some states, including California and Florida, have conducted studies on the costs attributable to sprawl, "there have been so few objective pieces done, in part because it is such a difficult task. The issue comes down to accomodating the costs for roads," Nicholas said.

Nicholas, who is working as a consultant to DuPage County on an unrelated issue, said the county is struggling with a \$200 million deficit while trying to implement a \$700 million per year roadbuilding program.

Many localities "have run figures" on the costs of development, said Robert J. Gray of Resource Management Inc., "but none have been conclusive." Gray agrees the DuPage report is most likely the first to study the link between nonresidential development and increased taxes. Gray's firm has conducted studies for Wright County, Minn., and Richmond County, Va. that examined the cost/revenue relationship of residential development at various densities.

Lancaster County, Pa. has hired a consultant to conduct a

fiscal impact analysis, according to Scott Standish of the county planning department. Standish said the DuPage report "will change the way we think about fiscal impacts, but its important that more studies be done." Standish said there is a realization in Lancaster County that too much land has been zoned for commercial and industrial uses. The findings of the DuPage study "will certainly help us," he said.

Contact: Dalip Bammi, (708) 682-7230; Jim Nicholas, (904) 392-0082; Bob Gray, (202) 408-5111; Scott Standish, (717) 299-8333.

resources ...

Publications

• *The Land That Feeds Us*

By John Fraser Hart

W.W. Norton & Co. 1991 \$25 378 pp

Explores the history and regional character of American agriculture east of the Mississippi. Discusses family farms and how they have evolved, exploring southeastern Pennsylvania as the "seedbed of American agriculture," the dairying industry of the northeast and New York and the grain farms of Illinois. Discusses the decline of cotton and the rise of soybeans and tree farming. In each region, farmers are interviewed. Carries an upbeat view of the future of family farming and how farmers have adapted to changes in the American diet.

• *Conservation Directory 1992*

National Wildlife Federation 416 pp \$18

An easy-to-use and comprehensive guide to national, regional, state and international conservation, environmental and wildlife organizations and agencies, both public and private. Contains a useful subject index that now includes land use planning. Also includes a publications index.

Conferences

Feb. 4 - 5: Houston, TX, *Linking Transportation and Land Use Planning* sponsored by the Lincoln Institute of Land Policy. Program includes sessions in Transportation and Land Use: Defining the Links; Montgomery County, Md., A Case Study; Integrating Transportation and Land Use by

Statute: The Florida Model; two working groups in: regional land use/ transportation modeling and municipal/county planning policies and techniques. Registration fee is \$325. Lodging, \$85. Call Ann Long, at 1-800-LAND-USE.

Feb. 7 - 8: University Park, PA., *Farming for the Future: Sustainable Agriculture for Pennsylvania*, sponsored by the American Farmland Trust, Rodale Institute, Chesapeake Bay Foundation. Featured speakers, Wes Jackson, Paul Keene of Walnut Acres. Cost: \$30. Call Ann Orth at (215) 469-0666.

Feb. 13-14: Scottsdale, AZ, *GIS, Spreadsheet, and Database Management for Land Use Decisions*, sponsored by the Lincoln Institute. Features hands-on introductions to seven of the newest software systems in three price ranges, several case studies and discussions on GIS implementation and needs assessment. Fee: \$380. Lodging: book one month ahead for \$135 rate. Call 1-800-LAND-USE.

May 9-13: Washington, D.C. APA National Conference. Call (312) 955-9100. Education, legislation, regional planning, social equity are some of the themes in over 200 workshops. Cost: members, \$305, nonmembers, \$405.

ABBREVIATED FROM PREVIOUS LISTING:

March 26 - 28: Kansas City, MO, First National Conference on Land Evaluation and Site Assessment Systems, hosted by the Dept. of Community and Regional Planning, Kansas State.

Sessions include: Local eastern states LESA systems, western states systems, central states systems, PDR and conservation easements, ag zoning, evolution of farmland protection in the U.S., environmental review, land evaluation systems, etc.

Cost: \$75. For information contact John Keller, Dept of Community and Regional Planning, KSU, Seaton Hall 302, Manhattan, KS 66506, or call (913) 532-5958.

May 4 - 6: Cape May, N.J., Open Space Preservation Conference sponsored by Open Space America. Themes: community open space, value of open space, innovative funding, developer's perspective, urban open space protection, agricultural preservation, metro open space planning. Field trips to Cape May Historic District, the Pinelands, Cape Henlopen, South Jersey towns. For information, write OSA, Box 413-B, McDonald Ave, Milmay, NJ 08340 or call (609) 476-4224.

May 17-20: Madison, WI, The Fourth North American Symposium on Society and Resource Management, hosted by the School of Natural Resources College of Agricultural and Life Sciences, University of Wisconsin. General themes include cultural resource management, environmental ethics, GIS for resource management, landscape aesthetics. Fifty-five concurrent sessions, poster session, round tables, four plenary theme addresses, two field trips and three receptions. Call School of Natural Resources, Univ. of Wisconsin, (608) 262-6968.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Task force seeks to alter Maryland easement sale eligibility

ANNAPOLIS, MD — A task force made up primarily of state agency representatives will pursue legislation this fall that would significantly alter eligibility criteria for easement sale in the Maryland farmland preservation program. Proposals would also change how the program operates.

Some of the proposed changes, observers say, evade the original intent of the program, and will make participation difficult for some farmers.

Among the proposed changes in eligibility criteria proposed by the Task Force on the Agricultural Land Preservation Foundation, is a requirement that a parcel be owned for at least 18 months, a rule the task force said was necessary because "some landowners have been using the state program like a bank to finance private land purchases."

Another proposal, which would require only a regulatory change, is that the parcel be actively farmed for three years prior to application, to end what the task force felt were inappropriate choices of parcels for easement purchase by some county

advisory boards, parcels that were "not fully dedicated to agricultural use."

Paul Scheidt, executive director for the Maryland Agricultural Land Preservation Foundation, said the 18-month ownership requirement is an attempt to prevent landowners from using the program to make financial gains unrelated to farming. To sell an easement and then to sell the land with the deed restriction is "not so bad," Scheidt said, "but the way it comes about is not the general intent of the program."

Scheidt said in one case a parcel was subdivided prior to easement sale, making the lots with permanently preserved views more valuable. While Scheidt admitted it was an isolated case, he believes addressing the problem is justified.

"I think generally one percent of the population causes 99 percent of the problems. It does open your eyes to what could happen in the future. The task force is trying to avoid loopholes," he said.

The 18-month requirement reflects a short-

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AFT: States should say 'no, thanks' to loan guarantee offer

WASHINGTON, D.C. — States eligible for federal loan guarantees under the Farms for the Future Act should be allowed to say thanks, but no thanks, to Uncle Sam, according to the American Farmland Trust in comments to the Farmers Home Administration (FmHA) submitted Oct. 23.

The Farms for the Future Act passed last year as part of the farm bill, is intended to help support state programs that purchase easements on farmland. The Farmers Home Administration, which will administer the program, released proposed rules Sept. 24.

The 14 eligible states should make use of interest subsidies instead, the more attractive aspect of

the program, according to the AFT, the nation's only nonprofit organization dedicated to curbing the loss of productive farmland.

In 15 pages of comments, the AFT blasted the

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Critics say Maryland task force is overreacting, out of touch

continued from page 1

sightedness by the task force, according to Edward Thompson Jr., general counsel for the American Farmland Trust and chairman of the Montgomery County Agricultural Preservation Advisory Board.

"If you had to pick a time when land is threatened with development, it's when it changes hands ... this is completely at cross purposes with what this program is all about," Thompson said.

Joe Tassone of the Maryland Office of Planning, and a member of the task force, said the 18-month ownership requirement was an attempt to keep landowners from using the program as their only means of financial survival. "What they are trying to ensure is that anybody purchasing land with the intention to farm is in a position to do it without money from the foundation."

Tassone said the proposal may not be the best solution. "Perhaps we should create a special mechanism just for properties going through [a change of hands] and make it a separate process."

Michael Paone, a planner who administers the state farmland preservation program for Harford County, said program administrators don't want applicants depending on the program for financial survival of their operations, but sometimes it is unavoidable. He questions whether that wasn't part of the intent of the program — to keep farmers from turning to other means of financial recovery, i.e., sale to developers.

"Any time you have a program like this you *are* a banker," he said.

Paul Solomon, Paone's counterpart in Baltimore County, and one of two county administrators on the task force, agreed. "I told them 'you are bankers whether you like it or not,'" he said, and pointed out that one of the reasons the program was established, he believed, was to help young farmers buy farmland. "I thought [the requirement] was not necessary," Solomon said.

Three-year active farming requirement proposed

In addition to the 18-month ownership requirement, the task force has proposed that applicants be required to have actively farmed their parcels for at least three years. The proposal has stirred controversy statewide.

Edward Thompson Jr. said the three-year

proposal "doesn't really make much sense if you're out to protect farmland. You could farm three years and never farm again ... this has no bearing on what the future of the land would be."

William Powel III, program administrator for Carroll County and the other county representative on the task force, said the three-year requirement is "more window dressing than substance," and that the task force is "overreacting to a few situations ... if these concerns had been adequately expressed to county administrators, they could have worked the problems out."

Powel thinks the state's new economic realities would go a long way to change the program in the ways the task force seeks. Powel agrees that some local boards "got lax" and took parcels that were more "gentleman's estates" than active working farms, but economics were then the catalyst as well. In the mid to late 80's, Powel said, per-acre offers were so low that applicants were hard to come by, so local boards accepted farms that were applying. Some of those were well-off horse breeding estates not threatened with development. This realization, Powel said, was "the motivation of the task force."

Powel, whose county has the state's greatest number of preserved acres, feels that because of the current backlog in applicants, the improvement in per-acre offers, and the recession, "local boards will naturally become more selective. I feel the counties are very capable. The economics will straighten things out," he said.

Paul Solomon said the active-farming proposal doesn't fit the intent of the program. "The purpose of the program is to protect the resource. I don't think it is particularly germane whether the farm is in row crops or mowed," he said.

Administering the three-year activity requirement, said state program director Paul Scheidt, would be "telling the state it is active farmland and this is the type of parcel we want. Yes, it may be a little steep, and it may be difficult for some, but the end result is, the state will be preserving land in active use."

Observers say the state Board of Public Works, consisting of the governor, the state comptroller and the state treasurer, is seeking, through the task force, to extend state control over a program that became problematic when budget cuts this year left

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Maryland program: current criteria

- **Size:** 100 acres minimum

To sell an easement to the state, the landowner must first form an agricultural district. To do that, he or she must own at least 100 acres, or, enlist a neighbor to join, whose acreage, when combined, would total at least 100 contiguous acres.

- **Productivity:** 50 percent of acreage must be Class I, II, or III soils for district creation. To sell easement, soil conservation plan required.

If wooded, 50 percent of acreage must be classified as woodland group 1 or 2 soils. Some exceptions are made. Generally, land is eligible if it is "currently being used for producing food or fiber or has the capability to do so," states the program brochure. Woodland management and harvesting operations are eligible for the program. Soil conservation plan must be created or revised within last 10 years.

- **Location:** Should not be in a 10-year water or sewer service area when creating district.

Exception can be made if "there exists an extraordinary example of productive capability and significant size."

Md. task force, from previous page

dozens of applicants hanging in limbo, unsure whether the state would make good on easement offers. Some of the applicants complained of financial ruin directly to the governor and comptroller, sources said.

Local administrators feel the issues addressed by the task force could be solved at the local level. Local advisory boards were not consulted, according to Edward Thompson Jr.

Thompson said local program administrators possess "a lot of creativity and flexibility. They know that's what it takes to get the job done, not more rigidity and rules."

Contact:

Ed Thompson Jr., AFT, (202) 659-5170

Bill Powel, Carroll County, (410) 857-2131

Joe Tassone, Md. Office of Planning (410) 225-4562

Michael Paone, Harford County, (410) 838-6000 x 103

Paul Solomon, Baltimore County, (410) 887-2904

Paul Scheidt, state executive director, (410) 841-5860

Maryland task force seeking 20-acre minimum, other changes

ANNAPOLIS, MD – The Task Force on the Maryland Agricultural Land Preservation Foundation is also looking to require a minimum of 20 acres for easement sale. In the Maryland program, 100 acres is required for a stand-alone parcel to qualify for easement sale, but smaller adjoining parcels can also qualify. Under the proposal, those adjoining parcels would have to have at least 20 acres to sell an easement.

The number of smaller parcels the program has purchased easements on is relatively small, but the cost for such parcels is high, and their development potential and value to the program goal has been debated by program administrators, according to Michael Paone. "Usually when a [small] parcel comes in, it's to allow a larger tract to come in. A single lot tends to get a fairly significant fair market value and has a very low ag value, so the state was paying a high amount of money."

Paul Solomon, Baltimore County program administrator, said the 20-acre requirement in some areas, depending on allowed densities, could result in developed parcels in the midst of preserved areas. "What about a 19-acre parcel with prime soils surrounded by easement properties. I think you're going to want to preserve it too," he said. Solomon said one solution could be to develop a separate system for buying easements on the smaller parcels.

Another issue the task force addressed is what it says is "a public perception that district establishment guarantees an easement offer." To ensure that landowners do not assume they can sell easements because they have formed districts, the task force has proposed that district formation be administered by the department of agriculture and that easement purchase become the sole activity of the Maryland Agricultural Land Preservation Foundation. That change will require legislative action.

The task force is also proposing that the state Department of General Services (DGS) screen and pre-approve applications to ensure development potential on a parcel. Paul Scheidt, director of the Maryland Agricultural Land Preservation Foundation, gave an example of a parcel that was offered for easement sale that had no development rights. A DGS screening, he said, would prevent spending money for appraisals on such parcels.

FmHA oversteps authority in proposed rules, AFT says

continued from page 1

agency for what it said were cumbersome and unnecessary procedures that without the statutory authority to do so, seek to establish controls over state farmland easement programs.

FmHA's proposed rules set down criteria for easement eligibility as well as for environmental assessment and coordination with state historic preservation officers regarding the effect of farmland preservation on historic preservation activities.

The AFT said FmHA, an agency of the Department of Agriculture, has no authority under the act to set down criteria for states to follow when making easement decisions, and that the loan program established by the act was to be available on an annual basis to states, and was not to involve a parcel-by-parcel oversight by the federal agency. Such a proposal, the AFT said, "reflects a total misunderstanding of [the] usual process used by qualified states."

The AFT blamed "a rigid rulemaking process that discouraged almost all dialogue between FmHA personnel and state program administrators," for proposed rules the organization felt were overall an uninformed and inappropriate response to the act's intent.

The proposed rules overemphasize the loan guarantee aspect of the program, the AFT said, and are so cumbersome and out of line with how state farmland protection programs are operated, that states should be allowed to waive the loan guarantee while still benefitting from interest subsidies. By doing so, they could avoid, the AFT said, 80 percent of the paperwork the proposed rules would require.

Further, the AFT said, states rely on their own ratings to guarantee loans. Without the federal guarantee, states would borrow in the tax-exempt market, resulting in a cost savings.

The proposed rules as they stand will likely discourage states from participating in the program, said Edward Thompson Jr., general counsel for the AFT.

In the proposed rules, FmHA set down criteria for easements including size of tracts, development pressure, restrictions on use, prior inspection of the property for hazardous waste, and landowner

etcetera ...

TDR near adoption in New Jersey county

Chesterfield Twp, NJ — Two and a half years in the making, a transfer of development rights plan for Chesterfield Township in Burlington County is believed to be near adoption, according to Chuck Gallagher, land use coordinator for Burlington County.

Burlington County is New Jersey's largest agricultural county and also one of its fastest growing. Chesterfield Township is about 22 square miles in area, with the village of Chesterfield just 10 miles from downtown Trenton. Between 2,000 and 3,000 acres of farmland in the township have been preserved through easement. About 70 percent of the township's land area is under agricultural assessment.

Under the plan, sending areas would be zoned for one unit per 33 acres and receiving areas zoned for one unit per acre, average. Gross density in the main receiving area would be about 1.25 dwelling units per acre, but in some areas could be as high as five or six units per acre, according to Mindi Jones-Gottsegen, of the Burlington County land use office.

Chesterfield was the first township in Burlington County to take up the challenge of developing a TDR plan under the Burlington County TDR Demonstration Act, passed by the state legislature in 1989. The county planning department used grant funds to organize a visual preference survey to help township residents visualize how higher density housing could be achieved in the receiving zone without loss of community character. The county also hired consultants to evaluate potential housing demand and to estimate the potential value of a development right under several scenarios.

The county planning office has received many requests for help on drafting TDR ordinances. All townships in Burlington County have the option of creating TDR plans under the demonstration act, but have been waiting on the outcome of Chesterfield's lead, said Chuck Gallagher.

"Even though we've been moving ahead and providing townships with various scenarios ... I think the bottom line is, they've been watching Chesterfield to see whether it would get a vote ... I'm hoping in the next two years we find all our rural townships will adopt something along the same lines," as Chesterfield's TDR plan, Gallagher said.

The county planning office is now assisting seven townships in developing TDR plans. The office is also writing a handbook for townships that will follow step-by-step how the Chesterfield Township TDR plan was devised, complete with documentation, according to Jones-Gottsegen. The handbook "is about 30 percent done," she said. *Chuck Gallagher, Mindi Jones-Gottsegen, (609) 265-5787.*

Taking the pulse on Virginians' growth concerns

Richmond, Va. — Virginia's Commission on Population Growth and Development and the Chesapeake Bay Foundation, a regional non-profit organization formed in 1967 to curb pollution of the Chesapeake, conducted 11 public meetings throughout the state to determine how citizens feel about land

please continue to next page

use in the state.

"Overwhelmingly, the response was very positive," said Estalena Thomas of the Foundation's Richmond office. Thomas said there is "concern about growth in Virginia, how state government interacts with regional and local government." Further, the larger concern is that "the state is doing nothing" to stem the loss of farmland and wetlands, Thomas said, and little to establish a strong conservation agenda for the state. *Estalena Thomas, (804) 780-1392.*

Rural preservation program honors family farms

Frankfort, Ky. — The Kentucky Heritage Council, the state's historic preservation agency, is becoming increasingly involved in rural preservation activities, according to Susan Braselton Yessin, rural preservation coordinator.

The Council recently accepted an easement donation on a 79.3-acre historic farm in Louisville. The donation includes an early-1800's farmhouse with tree-lined approach, formal gardens, and 18 outbuildings.

The tract is only part of the property held by Thomas W. Bullitt, whose family has owned it for more than 200 years. "It is one of the most important historic properties in Kentucky..." said David Morgan, director of the Council.

The Council can only accept donated easements on properties designated on the National Register or adjacent to historic properties. The Council has no funding to purchase open space or farmland easements.

The Council recently established a program in conjunction with the state department of agriculture to honor historic family farms and is also planning a book on the history of agriculture in Kentucky that will feature the designated farms.

The program has already received 325 applications, Yessin said. "People are so responsive and excited about it ... people we wouldn't normally reach ... they're putting their hearts into these applications. You can tell how proud they are."

The National Park Service, which administers historic sites, had a noted increase during the 1980's in nonurban National Register listings. A new set of guidelines for evaluating and nominating rural historic districts has been developed by the National Register, and many state and local preservation organizations have become more active in preserving rural communities or sites, according to the National Trust. *Susan Braselton Yessin, (502) 564-7005; Shelly Mastrin, National Trust Rural Heritage Program, (202) 673-4000.*

Bush presents conservation award to AFT

Washington, D.C. — President Bush cited the American Farmland Trust for innovation in promoting sustainable agriculture and presented the nonprofit group with the first annual Environment and Conservation Challenge Award Oct. 31.

The award was presented to AFT President Ralph Grossi and AFT Board member Jean Wallace Douglas at a White House ceremony. The award specifically honored the AFT's work in demonstrating to farmers how resource conserving techniques can be established.

The AFT's sustainable agriculture demonstration project, now operating in four states, was begun in 1988 and has assisted more than 200 farmers in establishing resource-conservation practices. *Contact: Tricia Obester, (202) 659-5170.*

FmHA rules, from preceding page

advisement on property sale.

While Congress envisioned annual loans to states for farmland preservation programs, FmHA has designed the program to operate on a transaction-by-transaction basis, an approach the AFT called inappropriate and presumptuous second-guessing.

"In contrast to the states that have been running these programs, in some cases for 10 years, FmHA lacks any experience with farmland protection. Second, it ignores the political and administrative checks that already exist at the state level to hold program administrators far more accountable for program effectiveness and fiscal responsibility than could any oversight by a remote federal agency," the AFT said.

Further, the AFT said, the proposed regulations seem designed for standard guaranteed loans to commercial borrowers or local governments. FmHA should concern itself only with whether the state is acquiring interest in farmland to protect it, the AFT said, and with whether there is any reason to doubt the state's ability to repay.

Regarding oversight, the AFT said FmHA should be involved only with assuring the state program is protecting farmland, that funds were used for proper purposes allowed by the law, and that adequate matching funds, required by the law, were available.

FmHA has no expertise in farmland protection to have any broader scope of involvement, the AFT wrote. "We ... challenge FmHA to show any previous involvement in the preparation of state farmland protection plans or any direct involvement whatsoever in existing state programs," the AFT stated.

A section in the rules calls for environmental assessment and for assessment of any effect farmland preservation may have on historic preservation activities.

"FmHA fails to point out that the state's farmland protection action will enhance, increase, or supplement any protection efforts by the State Historic Preservation Officer," the AFT stated.

The AFT questioned the need for environmental assessment of farmland preservation activities. "There is no justification for requiring this assessment unless the agency presumes that protection of farmland is an

please continue to page 8

Washington Growth Management Act Amendments**Washington planning law strengthened**

SEATTLE, WA – While preservation of farmland and other resource lands is a significant element in new provisions that strengthen Washington's 1990 Growth Management Act, more visionary open space goals recommended by a commission were rejected by the legislature this year after lobbying by development and agriculture interests.

Another open space provision was vetoed by the governor who cited vague language that would "likely result in significant court action," regarding private property rights.

One new provision requires that if a locality designates agricultural lands within the boundaries of an urban growth area, a transfer or purchase of development rights program must first be established.

The new provision is not likely, however, to spur new farmland preservation initiatives among localities, according to Steve Wells of the growth management division of the state Department of Community Development.

"Those that intend to invest the technical expertise will, others will use [the new requirement] as an excuse as to why they can't" designate agricultural lands in growth areas. "It didn't create any new thinking," he said

What could have been a more far-reaching mandate to curb sprawl was pushed aside by building industry and agriculture interests, according to Mary McCumber, former executive director for the governor-appointed Growth Strategies Commission.

The Commission advised the legislature that localities should "preserve open space and where possible link open space into networks. Networks of open space should be created on a regional and statewide basis."

The networks would "separate neighboring cities and define their edges in order to prevent their merging into large continuous urban areas ... Open space should ... preserve views and vistas within and around cities and towns."

Legislators got worried, McCumber said, when the building industry lobby as well as the farming lobby posed the question of private property rights on land that would be included in the open space network. Ultimately, she said, even legislators who understood the concept to be non-threatening to property rights, "panicked and withdrew."

Section 19 of the new legislation, which was vetoed by Gov. Booth Gardner, called for localities to use various techniques to protect open space by acquiring "sufficient interest to prevent its development."

The governor called the language "so ambiguous that it gives rise to numerous legal interpretations of its meaning." The governor said in a letter to the legislature that in the next legislative session he would seek a consensus on how the relationship between open space protection and private property rights could be clarified.

continue to page 7

**legislative
briefs ...**

In Washington ... Clallam County is considering a rural cluster ordinance initiated to preserve farmland and open space. The ordinance would create an ag cluster zone that would limit density to one unit per 30 acres unless the cluster option is used. Under the option, prior densities of between one and five units per acre would be allowed. Rich James, (206) 452-7831.

In New Jersey ... In a straw vote Oct. 22 Chesterfield Township in Burlington County voted to support a TDR plan that has been two and half years in the making. Draft amendments will be incorporated into a final draft master plan and will go to the township planning committee for approval. Planners expect the plan to be ratified. Chuck Gallagher, (609) 265-5787 ... Cumberland County is gearing up to urge state legislators in the upcoming session to support establishment of agricultural enterprise zones. The state board of agriculture recently gave its unanimous support for the concept, initiated by the Cumberland County Agricultural Development Board. A study of the enterprise zone plan and concept was recently released. Contact Tim Brill, (609) 453-2175.

In California ... The Growth Management Consensus Project, whose members represent the spectrum of interests concerned with state-level growth policies, has reported its findings to the legislature ... two counties, Yolo and Stanislaus, are believed close to passing right-to-farm ordinances that would require real estate agents to notify rural home buyers in writing about negative aspects of farming operations. The state legislature and 25 counties have adopted right-to-farm laws that shield farm operators from some lawsuits and grants them immunity from complaints. Yolo and Stanislaus counties are part of an eight-county area that make up the fertile San Joaquin Valley. The eight counties produce combined harvests totaling

61 percent of the state's total, but the area saw a 34 percent increase in population in the 1980s.

In Wisconsin ... Senate Bill 300 would amend income tax laws to increase some of the limits in the tax credit formula for farmers. It would raise the eligible property tax from \$6000 to \$10,000 and increase the minimum credit from 10 to 20 percent of eligible property taxes. "It's a drastic attempt to make the program more appealing to larger farms," said Kate Lawton of the Farmland Preservation Program of the state department of agriculture. "The minimum credit would go up substantially," she said. The largest credit currently is 10 percent of \$6000 (\$600). Under SB300, the largest credit would be 20 percent of \$10,000 (\$2000). Kate Lawton, (608) 266-6963.

In Maryland ... A task force has proposed significant changes to the state's farmland preservation program. Some of the proposals require legislation, which has been prepared for the upcoming session. The proposals would change who can participate and how the program operates. See lead story, page 1.

In Virginia ... A subcommittee studying transferable development rights has prepared a new TDR enabling bill to be introduced in the upcoming session. John Foote, a Manassas land use attorney and member of the subcommittee, has written a bill that: defines the intensity of development for receiving zones; calls for comprehensive plans to provide for receiving and sending zones; provides for interjurisdictional transfers; requires that one sending unit equals one and a half units in the receiving zone; requires that deed restrictions in sending area be perpetual; prohibits banking of rights.

In Kentucky ... an ordinance that would create a greenbelt to reinforce the Georgetown/Scott County Urban Service Boundary has been drafted. The greenbelt would serve as a dividing line between urban and rural land uses, but would allow urban uses on both sides of the highway used as the dividing line.

Washington, from preceding page

The challenge now, McCumber said, is "how to bring back the larger open space planning concept in a better context." McCumber believes regional open space planning as well as urban design that uses space more efficiently — "two very subjective kinds of things" — will have to be introduced through demonstration projects that will take time.

Interjurisdictional coordination, another element in the Growth Management Act strengthened in the new provisions, means that city and county comprehensive plans must be consistent. Multi-county planning is required of the three counties that make up the greater Seattle area.

Required coordination is "radical in its mandate," said Terry Galvin, senior planner for Whatcom County, which shares a border

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1000 Friends of Washington founded

SEATTLE, WA — A 1000 Friends group committed to assisting in the implementation of Washington's 1990 Growth Management Act formed in October, according to Mary McCumber, former executive director for the Washington State Growth Strategies Commission and founding member. The group is the sixth 1000 Friends group in the nation.

1000 Friends groups typically advocate effective land use planning, conservation, growth management and open space preservation, and work with local and state planners in implementing state plans.

Washington's 1990 Growth Management Act was the catalyst for founding the group, which incorporated in October and received a start-up grant from a local foundation.

Advocacy of open space planning may become an objective for 1000 Friends of Washington, according to McCumber, but the group's primary purpose will be to help localities implement the Growth Management Act, she said. "Our plate is full of just trying to get across what is on the boards," she said.

Dick Anderwald, director of planning and special projects for Yakima County in south central Washington, will represent counties on the board of Washington's 1000 Friends, and says another primary focus for the group may be to facilitate interjurisdictional coordination, a central element in the Growth Management Act.

The 1000 Friends concept began in Oregon in 1975, and has spread to Massachusetts, Florida, Hawaii, and Virginia, where a fledgling group is helping a growth study commission attain public education objectives. 1000 Friends of Oregon now has 18 employees and 1000 Friends of Florida has a staff of 10.

The 1000 Friends groups, along with other state and regional conservation and planning groups concerned with growth management, have formed an umbrella organization called the National Growth Management Leadership Project, coordinated through 1000 Friends of Oregon.

Project members meet this month in Annapolis, Maryland to discuss long-range goals and to convene a private conference focusing on federal policies that affect state and local growth management initiatives, according to Kevin Kasowski, project director. *Contact: Mary McCumber, (206) 284-0605; Kevin Kasowski, (503) 223-0073.*

FmHA rules, from page 5

action that will result in negative consequences for the environment, relative to not protecting farmland ... FmHA is asking for unnecessary paperwork."

The 14 states that could be affected by the rules are: Vermont, Massachusetts, Delaware, North Carolina, California, Connecticut, Maryland, Maine, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Wisconsin and New York.

The AFT asked that the Oct. 24 deadline for comments be extended by 60 days. FmHA has granted an extension of 15 days, according to Chris Alsop, a USDA spokesperson. That extension expires Nov. 13. *Contact: Ed Thompson or Steve Etka, (202) 659-5170.*

Washington, from page 7

with Canada in the state's northwest corner. Planning has been "isolated and incremental," Galvin said, even while the benefits of coordinated planning are easy to conceive, "we have a tendency to ignore it because it is so obvious," he said.

Dick Anderwald, director of planning and special projects for Yakima County in south central Washington, said that although local governments "want their piece of the pie," adequate allocations for such functions as planning are hard to come by. That reality and the interjurisdictional planning mandate presents an "opportunity to share new found fiscal sources," Anderwald said.

While Steve Wells of the state Department of Community Development doubts the growth management act's new provisions will encourage localities to purchase development rights, he feels the growth management law, especially with the new provisions, will make a difference on Washington's landscape.

Although it can't reasonably be expected that development in rural areas will be halted, Wells believes it will be constrained as a result of the

legislation. "It's going to change the nature of sprawl," he said.

Rich James, senior planner for Clallam County, on the state's Olympic peninsula, said the Growth Management Act has been the primary mover for his county's planning and land preservation initiatives. A proposed ordinance there would create an ag cluster zone that would limit parcel size to one unit per 30 acres unless clustering is used. With the cluster option, developers could retain the prior densities, which vary from one to five units per acre, James said.

James said the cluster ordinance is an appropriate approach for the county's remaining agricultural areas, which "have already been compromised." The proposed ordinance has been reviewed by the planning commission and goes to public hearing this month.

In a county that has become attractive for retirement homes and golf courses, the state's growth management act could not have come a minute sooner, according to James. Current initiatives are, he said, "our last best hope to preserve farmland at all. Not moving now would have lost it all in the next 10 years." *Contact: McCumber, (206) 284-0605; Wells, (206) 753-2200; James, (206) 452-7831.*

resources ...

Video

• *Farmland Forever*

Produced for the American Farmland Trust by Florentine Films on VHS \$20

This 17-minute documentary, which debuted at the Land Trust Alliance national conference in September, portrays farmers who have sold their development rights. It illustrates some of the trials and some of the joys of farming, and how these farmers feel about protecting farmland for future generations. Discounts for multiple copies. Contact the AFT, (202) 659-5170.

• *Land Trusts in America: Guardians of the Future*

Land Trust Alliance

by James Bleecker Productions \$21

This 14-minute production uses slides transferred to video and enhanced by a computer controlled

process that adds movement to the visuals. The voices of landowners, volunteers, and staff members from six land trusts and the Land Trust Alliance tell the story of how land trusts work with property owners to achieve land conservation. Call the Land Trust Alliance at (202) 785-1410.

Publications

• *The Agricultural Enterprise District: Incentives for Open Space and Farming Viability for Cumberland County (N.J.)*

By the Heinrich-Hultgren Team, Sept. 1991

Just released in late October, this is a study commissioned by the Cumberland County, N.J. Agricultural Development Board and the Cumberland Co. Planning and Development office. It describes the concept of the agricultural enterprise zone: "this idea was born from the conviction that if farming is going to survive in New Jersey, it must have a strong and viable industrial base. Just as Urban Enterprise Zones were created to encourage business investments in depressed cities, Agricultural Enterprise Districts are intended to create investment in the rural, farm economy," the executive summary states. Maps and appendices. Funding for the study was provided by the New Jersey Conservation Foundation. For a copy, call (609) 451-2800. First copy free, additional copies \$10.

Conferences

March 26 - 28: Kansas City, MO, First National Conference on Land Evaluation and Site Assessment Systems, hosted by the Dept. of Community and Regional Planning, Kansas State.

In 1981, the U.S. Soil Conservation Service (SCS) launched the agricultural land evaluation and site assessment (LESA) system to help implement the federal Farmland Protection Policy Act. Since then, federal agencies have used LESA extensively to assess the impact of federal projects on farmland.

This conference will bring together the leading LESA practitioners and researchers to share information.

Cost: \$75. For information contact John Keller, Dept of Community and Regional Planning, KSU, Seaton Hall 302, Manhattan, KS 66506, or call (913) 532-5958.

May 4 - 6: Cape May, N.J., Open Space Preservation Conference sponsored by Open Space America, a nationwide organization formed last year to support open space initiatives at the neighborhood, local, state and national levels. Themes: community open space, value of open space, innovative funding, developer's perspective, urban open space protection, agricultural preservation, metro open space planning, legislative advocacy, corridor studies. Field trips to Cape May Historic District, the Pinelands, Cape Henlopen, South Jersey towns. For information, write OSA, Box 413-B, McDonald Ave, Milmay, NJ 08340 or call (609) 476-4224.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

CONFERENCE KEYNOTE ADDRESS

Land conservationists should seek to revitalize federal fund

WATERVILLE VALLEY, NH, Sept. 22 — Significant land resources will not be saved in the United States without renewed federal involvement in the form of a dedicated tax, according to Robert L. Bendick Jr., keynote speaker at a national gathering of land trusts and nonprofit conservation groups.

Bendick, deputy commissioner for the New York State Department of Environmental Conservation, told an audience of about 700 at a White Mountains resort that the nation's land conservation movement must seek revitalization of the federal Land and Water Conservation Fund, which could best be revived, he said, through a one-cent per gallon surcharge on motor fuel sales to be split between federal, state, local and nonprofit environmental agencies.

The five-day conference was organized by the Land Trust Alliance and hosted by the Society for the Protection of New Hampshire Forests. It was the fifth national conference sponsored by the Alliance, whose members represent about 500 of a known 900 land trusts nationwide.

Bendick said the Reagan and Bush administra-

tions have substantially weakened the land conservation role of federal government and that states and localities now struggle to preserve valuable land resources with inadequate mechanisms for operating in the land market, and inadequate funds to create those mechanisms.

Further, Bendick said, the public distrusts environmental agencies and overcompensates with "a widespread assertion of individual rights," and "an increasing reliance on the free market as the arbiter of the future."

"It is not clear that government acting alone or, perhaps at all, will have the authority or ability in today's world to continue our land conservation tradition," Bendick said. The role of land trusts therefore, was vital, he said.

In a post-conference interview, Bendick said he felt a one cent fuel tax would gather popular support because it could be related to improvements vitally needed in the national parks.

"The current Congressional budget process

please turn to page 2

Cost of easement could hurt Penn. program, some say

NORRISTOWN, PA — An easement costing \$2.52 million on a farm with public water and sewer available has some Pennsylvania preservation officials seeing red — and area farmers seeing green.

The move by the Montgomery County (Pa.) Agricultural Land Preservation Board to save a 169-acre farm within a borough's boundaries and along a highway corridor under intense development pressure, has caused some consternation among other county preserve boards. The easement has not yet been approved by the state board.

Such instant-millionaire easement purchases, some say, will hurt the image, and ultimately, the

purpose of the state program.

The Lancaster County Agricultural Preserve Board "is concerned about what the public perception will be when this deal goes through," said

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Land trusts encouraged to work jointly with public agencies

continued from page 1

makes it hard to start something without new revenue. A one-cent tax would do the trick. It would provide enough money for a terrific program," he said.

Bendick said the Land and Water Conservation Fund, established 26 years ago with set-asides from off-shore gas and oil leasing, was conceived as a multi-purpose fund for land acquisition and recreational projects, and operated as a partnership between the federal and state governments.

Revenues to the fund, however, have been diverted to the general fund, and grants to states have become very small, he said.

The dramatic increase in private initiatives to protect land is partly a response to the lack of federal support for land conservation, Bendick said. The number of land trusts in the nation has doubled in the last decade, according to Land Trust Alliance president Jean Hocker, who said the increase also reflects the sense of urgency many people feel about protecting open spaces because of how rapidly they are disappearing. The public has recognized, she said, that open space protects water supplies and improves the air, as well as assures a better quality of life.

"Moreover, unlike global issues like tropical deforestation or ozone depletion, protecting land in our own communities is something over which we can have direct influence," she said. With so many land trusts now in operation, Hocker said, "people can now point to successes in other communities and say 'we could do that here.'" Hocker said land trusts are the fastest growing part of the conservation movement, and have protected about 2.7 million acres nationwide.

Many of those attending the conference were representing new land trusts, most with all-volunteer boards. Fifty-five workshops offered advice on fundraising, leadership development, assessing land resources, how to work with state and local government, appraising easements, developing membership, easement monitoring, public relations, tax policy, land use planning, legal aspects of real estate transactions, regional land conservation strategy and other topics.

New land trust board members expressed a need for land trust coalitions at the regional level, and for an organized mentoring program that could

provide models for new land trusts.

Participants sought guidance in how to work with government conservation and environmental agencies in forming partnerships for land protection, the theme of the conference.

Phyllis Myers, a consultant in conservation policy development and formerly with the Conservation Foundation, has been studying partnerships between state programs and land trusts.

Myers said land trusts have begun to help government fulfill its role in land conservation. The land trust movement, she said, is "creating its own momentum, taking on a lot of roles. Budgets are being stretched, so it's obviously very important," for states to work with citizen groups. It is also important, she said, because government "is not designed to deal with the land market."

Although farmland preservation interests were represented at the conference by the American Farmland Trust and also by the Marin County Agricultural Land Trust, many participants were unaware of state farmland easement programs. Some even questioned the desire to protect farmland parcels as agricultural operations, citing natural lands as more desirable for aesthetic as well as public use purposes.

Mark Ackelson, associate director of the Iowa Natural Heritage Foundation, said agriculture has destroyed much of that state's natural resources. "Iowa is one of the nation's most developed states," developed by agriculture, he said.

A recently completed poll of 500 land trusts nationwide, however, found that 16 percent tagged farmland as one of the primary types of parcels they desired to preserve, and about 38 percent said farmland would be considered in preservation objectives. However, protection of forestland, river corridors, wetlands, coastlines and other natural areas were the priorities of most individuals queried at the conference.

Although a few land trusts that do concentrate efforts on farmland were represented at the conference, a coalition of farmland trusts has not been formed, according to Dennis Bidwell, director of land projects for the American Farmland Trust.

"I would say to the best of my knowledge there isn't any formal coalition per se, but an informal network that has grown and become more serious

please continue to next page

Land trusts, from previous page

and more organized over the years ... but not a formal caucus, and there probably should be."

Bidwell said the AFT's conference in Washington, D.C. last March and the several workshops at the land trust conference that explored ag land preservation "should serve as a surrogate in the meantime. We are certainly committed to working more closely than we have and providing more leadership to land trusts."

No state purchase of development rights (PDR) programs were represented at the conference, although in several states land trusts have assisted in program promotion or transactions.

Land trusts respond to charges of elitism by 'anti-conservation fringe'

WATERVILLE VALLEY, N.H. — Charges of elitism by an "anti-conservation fringe" has land trust leaders calling for careful consideration of motives and effective communication with the communities affected by land preservation projects.

"People have to make sure they know why they're protecting land, to be clear on their own motives and what the value of the land is," said Robert L. Bendick Jr., deputy commissioner for the New York State Department of Environmental Conservation. Bendick was keynote speaker at the fifth national conference for land trusts in New Hampshire Sept. 21-25.

"[Open space] ought to be protected because it has natural and human value. It doesn't mean to keep others out. It is important to communicate. That's a tired phrase, but it doesn't always happen," Bendick said in a post-conference interview.

Bendick said public access to protected land is vital if groups are to avoid creating the perception of land protection as an elitist activity. "Where it is reasonable, it should be provided," he said. "That really helps to counter the charge that this is just saving someone's back yard."

It would also help, he said, to have projects with multiple uses to draw wider public support.

"By and large, the land trust movement is not elitist, but that accusation is there, and we have to be sensitive to it," Bendick said.

Land Trust Alliance president Jean Hocker said at the conference that the land trust movement

needed to be wary of the "small but increasingly vocal group of people" who accuse land protectionists of "locking up the land" and who "oppose land conservation in the name of preserving private property rights."

"What they fail to understand," Hocker said, "or perhaps don't want to understand, is that land trusts do not oppose development as such; land trusts offer alternatives to thoughtless, unplanned development in inappropriate places. We can only offer choices; we have no powers to force anybody to do anything."

"Even more fundamentally," Hocker said, "the protestors do not admit that a landowner has just as much right to choose to protect his land as to choose to develop it."

A seven-part newspaper series by syndicated columnist Warren Brookes early this year described "the conservation elite" and the "land lock-up movement" in what Brookes depicted as an organized conspiracy by top conservation financiers to establish federal land use planning.

Other individuals are claiming that the land conservation movement is an assault on private property rights. A national newsletter published in Sharpsburg, Maryland claims that environmental protection activities as well as federal park land acquisition is un-American.

Our Anniversary Issue

"Farmland Preservation Report has established a track record of accurate, high quality information on efforts to protect land resources ..."

Jim Riggle, American Farmland Trust

With this issue we celebrate our first year of publishing Farmland Preservation Report. With volume two, we will be adding an index at the end of the calendar year as well as an annotated bibliography every six months. In order to provide this needed service, we will be converting to a 10-issue per year schedule, with combined Nov.-Dec. and July-Aug. issues. We will still provide four special reports per year written by experts in the field. The first issuance of the bibliography will describe briefly each article that has appeared in the newsletter since its first issue, as well as each special report. You will find both the index and the bibliography useful when you need to refer to information in past issues. We are oriented toward serving the information needs of our readers and believe these changes will provide a more comprehensive service. If you have any questions regarding these changes, please call me at (301) 692-2708. Thank you for a successful first year. *Deborah Bowers.*

Upcoming special report

"Sprawl: Can it be stopped?"

by Kevin Kasowski

1000 Friends of Oregon

AFT says easement offers are local prerogative in Penn.

continued from page 1

Tom Daniels, executive director. "The per-acre cost and the sum total are clearly excessive." Other boards agree, he said.

Montgomery County officials, however, say the farm is highly valued in the community. "The quality and productivity outweighed the fact that development is closing in around it," said Mary Ann Carpenter, program administrator.

But critics say the purchase is more of an open space easement because it is isolated and does not help to create the permanent "critical mass" of acreage needed for a sustainable agricultural economy in the area.

Carpenter said, however, that locally the farm itself is considerable in size and that its importance to local people is something the state law allows localities to judge in making offers.

While nearby Bucks and Chester counties have placed \$10,000 per acre limits on easement offers, Carpenter said the Montgomery board had not considered placing a limit on the amount of offers. She added that while others thought the \$2.5 million easement hurts the image of the program for the public, she and her board felt that to place a limit on how much farmers could be compensated would hurt the image of the program for farmers.

"It's not a valid assumption farmers will accept less [than the appraised value]. It is insulting to farmers to think that they would."

The cost of the easement would be six times higher than the average per-acre cost of easements settled and approved in the state, numbering now about 70. The purchase would be made with both county and state funds, split at 24 and 76 percent.

Carpenter doesn't think the image of the program will be hurt. "If anything, farmers understand what is given up in the program. The amount of money doesn't compare," with what could be gotten if sold for development, she said. The county's offer equalled the full appraised value of the development rights on the parcel.

Edward Thompson Jr., general counsel for the American Farmland Trust, who helped write the Pennsylvania law, said it is essential that localities have prerogative in easement decisions.

"The formula represents a policy decision to let everyone play the game, so long as they meet the

etcetera ...

Number of LESA users has quadrupled

Tempe, Az.— A study has determined that the number of localities using the federal Land Evaluation and Site Assessment (LESA) system for determining farming viability has quadrupled in five years, according to Frederick Steiner, dean of the department of planning at Arizona State University.

A final draft of the report confirms that 209 jurisdictions in 31 states have experience with the LESA system, Steiner said. Of those, 146 are actively using a LESA system, 31 are currently developing systems, 14 are inactive and 18 regard their systems as no longer viable or no longer use them.

A study co-authored by Steiner in 1987 found only 46 local governments in 19 states actively using LESA and many jurisdictions developing a LESA system.

The LESA system of evaluating and ranking the importance of a locality's agricultural land was developed by the Soil Conservation Service as part of the Farmland Protection Policy Act of 1981. It provides a point system planners or conservationists can use to determine a locality's most viable farming districts.

The LESA system helps to analyze economic, ecological, social and aesthetic factors that may affect farmland parcels.

Upon completion, the study will provide detailed profiles of the 209 localities and case studies. A national LESA conference is planned for March in Kansas City, Steiner said. *Steiner: (602) 965-7167.*

Timber bridges look good, cost less

Queenstown, Md.— Maryland localities are exploring the cost savings and engineering of timber bridges as an alternative to steel and concrete designs. In addition to cost savings, the bridges are aesthetically pleasing, particularly for rural areas, officials say.

A recently completed timber bridge over the Wye Narrows in Maryland was built for less than half the cost of a steel and concrete bridge proposed for the same site.

Last spring, about 70 people from local government and the building trade gathered in Queenstown, Md. to study timber bridge construction. Twelve Maryland counties, seven states and two federal agencies were represented. The timber bridge conference was sponsored by the Maryland Dept. of Natural Resources and the Resource Conservation and Development Board.

The use of timber bridges, particularly in rural or historic areas, is something that would be of interest to The National Trust for Historic Preservation, said Shelly Mastrin, coordinator for the Trust's Rural Heritage Initiative. The Trust has no policy currently, she said. *Contact: Barbara Rice, Forestry Div., Education Coordinator, (301) 974-3776.*

Foreign investors told to make use of PDR

Baltimore, Md.— A Baltimore financial and travel publisher has told a group of its foreign financial readers that "several U.S. states" sponsor "free land programs" in which farmers are paid not to build on their land, and advocates that readers

buy farmland in the U.S. to take advantage of the programs.

The publication claims that "U.S. taxpayers are becoming increasingly intolerant of the sheer lunacy of such government programs. We, however, will leave the letter writing and political campaigning to others." The editor then advocates "don't get mad — get rich. Or, in this case, if U.S. politicians are all hot to give land away, we'll show you how to get your hands on some of it."

Saving farms by making them more profitable

Simsbury, Ct. — They serve as a model, perhaps, for what rural economic development should be about: a team of advisors to farmers who are seeking new agricultural enterprises that will increase their cash flow.

Agriland Concepts, Inc., a consulting team made up of former agricultural land planners Susan Phinney and Brad Beeler, who is also a sheep farmer, has been seeking to save farmland by helping farmers not just to stay in business, but to change their business to a more profitable format.

They have advised farmers to convert from traditional dairying to sheep milk and cheese production, or to baby vegetables and shitake mushrooms, or bok choy or Christmas trees. They study the soil characteristics of each parcel to determine what crops would be most suitable. The team also helps farmers locate labor.

They keep an eye on trendy markets in food and in recreation — but, Phinney says, they stay away from limited development, an alternative she says is something they wouldn't advise except in emergency situations.

Phinney and Beeler advise clients mostly in New England, and also help implement proposals that are accepted. The team has been in business for about two years. *Phinney: (203) 658-7498.*

Helping groups develop the 'people resource'

Washington, D.C. — Because people are what drive the conservation movement, their leadership abilities are any conservation group's primary asset, says Dianne Russell, associate director of the Institute for Conservation Leadership.

The Institute, which has few if any counterparts, Russell said, had its beginnings within the National Wildlife Federation in early 1988. But within two years the need for an independent leadership training provider for the conservation movement was apparent, Russell said, and the Institute broke off from NWF.

"We were pretty unique, which is a lot of why we got started," Russell said. "We're really ahead of the curve." Leadership development functions within the conservation movement are just beginning to come into being, she said.

Most of the Institute's clients have budgets under \$300,000 and many have no staff, Russell said. To train volunteers, then, is a wise decision for such groups, she said. The groups include hunting or angling enthusiasts, watershed activists and land trusts, as well as National Audubon Society chapters and National Wildlife Federation affiliates.

"The people resource is a very powerful resource to have. They have the time, the commitment and connections in the community," Russell said. "To be effective, an organization needs to utilize people well." *Russell: (202) 466-3330.*

To cap or not to cap ...

Placing per-acre limits on easements is not easy to do.

In Pennsylvania's Adams County, the Agricultural Preserve Board considered a cap of \$1500 per acre for easement offers, but removed it when it became apparent it was unrealistic, according to a board member.

"Looking at the appraisals coming in and talking with farmers themselves, we felt we'd be shooting ourselves in the foot," said Hal Greenlee. The highest negotiated offer so far has been \$2000 per acre, he said.

The New Jersey Agriculture Development Committee considered a cap, but dropped the idea, said Rob Baumley.

"As soon as you set a cap someone feels they're on the other side of it," Baumley said. A cap of \$16,000 was considered, but a lot of opposition from farmers ended the move. The program's competitive bidding mechanism, similar to Maryland's, "takes care of itself," he said. The highest per acre amount paid in the program has been \$22,000, Baumley said.

AFT, from preceding page

basic criteria of the program. The state shouldn't be in a position of second-guessing their choices ... we argued that vigorously," while drafting the law, Thompson said.

Daniels, of Lancaster County, said there is a vital need in Pennsylvania to establish effective agricultural zoning to keep the state purchase of development rights (PDR) program affordable and to protect the integrity of PDR parcels. The Montgomery County easement purchase is expensive, he said, because the parcel was zoned for one unit per half acre and three-quarter acre.

"It seems to me if you're going to spend that much money on a farm, you'd better look to something other than PDR. We're not quibbling over the easement value," he said. Ag zoning should be in place, he said, although many jurisdictions would find that politically difficult. "To downzone to ag — it's not a simple problem," he said.

Daniels, as director of the state's most active and established PDR program, has advocated that counties seek to create, through PDR purchases, large blocks of farmland that will provide a truly viable and sustainable local agricultural economy.

Daniels said he believes the state should move in the direction of requiring effective agricultural zoning that will assure affordability of the PDR program. Only four counties in the state have agricultural zoning, he said.

Contact: Tom Daniels, (717) 299-8355; Ed Thompson, (202) 659-5170; Mary Ann Carpenter, (215) 278-3750.

WORKING WITH PUBLIC AGENCIES**Partnerships should be land trusts' forte**

WATERVILLE VALLEY, NH -- At least 10 states have conservation agencies that provide money to private groups including land trusts, for land conservation objectives, according to Phyllis Myers, author of a forthcoming study on public/private land conservation partnerships to be published by the Land Trust Alliance this fall.

"The Power of Partnerships" was the theme of the Alliance's five-day conference Sept. 21 — 25. Jean Hocker, president of the national land trust group, told the conference's 700 participants that public decision-makers "are turning to land trusts as partners in accomplishing land protection agendas," because land trusts are able to provide links with other conservation entities such as historic preservation commissions, planning and recreation agencies, and affordable housing advocates.

"Land trusts are forming partnerships with each other and with national conservation organizations to achieve results too ambitious for any single group," Hocker said.

Two of the 55 workshops offered during the conference dealt specifically with how land trusts can become involved with state conservation agencies. Other workshops concentrated on improving partnerships with landowners, developers, elected officials, federal agencies and other land trusts.

Consultant Phyllis Myers, who moderated a workshop on state conservation programs, said that such partnerships come usually on an ad hoc basis for particular projects or objectives. In her study she has found that about ten percent of land trusts have some experience working with state agencies and have been highly successful in the partnerships.

The success of some of the projects, she said, has prompted some state agencies to "institutionalize a process for working with land trusts." Her study will highlight the degree of institutional change in various states to accommodate partnerships with land trusts.

The interaction between public agencies and nonprofit groups has helped to find funding for land conservation projects initiated by land trusts, Myers said. Of the ten state programs that now provide money to private groups, she said, nine provide acquisition funds.

In addition, "the credibility of public funding boosts land trust efforts to raise money in the private sector," she said.

Farmland easement programs were not included in the study, which Myers is conducting for the Land Trust Alliance.

Some land conservation projects have involved as many as six entities, including local, state and federal agencies, landowners and a land trust. Some partnerships involve private industry as well.

A joint effort late last year between the American Farmland Trust, the Montgomery County, Md. government, two farmers, the landowner, Maryland's Program Open Space, and the Maryland

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**legislative
briefs ...**

In Maine ... A \$50 million bond issue for acquiring "outstanding recreational and scenic lands" will appear on the ballot Nov. 6. to keep the Land for Maine's Future Board funded for one more year. If the bond does not pass, the program, which acquired a farm last year, will end when current funds are expended. The program has \$8 million left from its original \$35 million funding. All of the current money is earmarked for projects expected to be completed within six months. Since its authorization, the Board has acquired 25 properties totalling about 47,000 acres, including 96 miles of river, lake and coastal shoreline. Yet, Maine contains less publicly owned land, considering its size, than any state in the nation, according to the board. (*LMF Board, (207) 289-3261*).

In Maryland ... In Harford County, draft legislation for buffers between incompatible uses may include an open space buffer, possibly 300 feet in width, between agricultural districts or easement properties and new homes on an adjacent parcel. (*Jim Vannoy, 838-6000*)

... the Maryland Agricultural Land Preservation Foundation, which administers the state purchase of development rights program, will be reviewing legislation to change the criteria for district formation and easement purchase. Proposals include a requirement that parcels be in ownership 18 months prior to eligibility for district status and that parcels must be at least 20 acres to be eligible for easement sale. A cap on per-acre easement offers is also being considered. (*Paul Scheidt, (301) 841-5860*).

... St. Mary's County is developing a county purchase of development rights program with innovative funding sources that could include "farm bonds" that could be sold to the public. The idea is modeled after bonds sold during World War II (*Joe Mitchell, (301) 475-4404*).

In Pennsylvania ... SB 1290 and 1291.

For further information on items in legislative briefs, please refer to names and numbers at the end of each item. We believe this new format will serve you better. — the editor

that would ease tax burdens on farm parcels in the state farmland preservation program, are in the Agriculture and Rural Affairs Committee.

In Oregon ... The Land Conservation and Development Commission is seeking to form an interim body to consider rulemaking for a secondary lands component. The governor has urged that rulemaking commence in the absence of legislation, but the speaker of the House has requested that rulemaking be postponed. The legislature's failure to reach agreement on a secondary lands component for the state's land use plan prompted the rulemaking initiative. (Mitch Rohse, (503) 373-0050.)

In Washington ... Local purchase of development rights programs may be required under some circumstances under the state's newly strengthened Growth Management Act. Under a new section in the law which modifies the resource lands designation process, if agricultural lands are designated with growth areas, a PDR program must be established. Also under the new provisions, the state is authorized to write planning standards for counties and cities, and Growth Planning Hearing Boards will be established to review plans for compliance. Local plans, however, will be presumed valid when adopted. Review will occur only when initiated by a petitioner, which could be a citizen or government agency. State agencies will also be required to comply with local comprehensive plans. (Steve Wells, (206) 753-2200.) *The new provisions to Washington state's growth management law, as well as background to what could be the nation's most far-reaching state planning law, will be featured in the Nov. issue.* —ed.

Partnerships, from preceding page

farmland preservation program, succeeded in preserving 339 acres of farm and forestland at the foot of Sugarloaf Mountain, about forty miles northwest of Washington, D.C.

The \$2.4 million project was initiated and coordinated by the American Farmland Trust, and would not have been possible, according to AFT general counsel Edward Thompson Jr., without the nonprofit's ability to act quickly and without political constraints.

The AFT's role was in holding an option on the property until it could arrange for funding from several public sources. Other groups have served in such roles.

Some state agencies have found nonprofit groups to be powerful allies in building support for visionary land conservation initiatives, such as seeking commitment to land stewardship by landowners near park land. Early this year the California Coastal Conservancy asked the Land Conservancy of San Luis Obispo County to help generate public support for open space preservation between two state parks.

Forming partnerships to preserve land has been a response by conservationists to the rapid development that occurred throughout the 1980's, Robert L. Bendick Jr., keynote speaker, told listeners at the conference's opening session.

Bendick, who has worked in and outside state government conservation programs, said the growth of public/private partnerships "resulted from an increasing awareness and concern about the relationship of people and nature and from a sense that in many places that relationship was threatened by poorly planned, poorly located or entirely unneeded development."

The environmental movement has been the working factor in creating strong political support for open space protection, Bendick said. What has emerged is an array of partnerships that have resulted in land preservation of local, state or regional significance.

Private groups have worked with state agencies to identify areas in need of protection, such as has been done through the Natural Heritage Program, administered jointly by states and the Nature Conservancy. Bendick said that easements involving public agencies and/or nonprofits to secure open space values have also seen increased use.

Bendick also cited partial development strategies in which public and private agencies worked with developers to protect a parcel's open character, cooperative fundraising strategies, corporate efforts facilitated by nonprofits, and creative estate planning with landowners, as ways nonprofits had formed partnerships.

However, these partnerships, Bendick said, "will not be sufficient to meet the extraordinarily difficult challenges we face today." Bendick said the land trust movement "needs to work harder at reaching out to others, particularly blue collar and rural people," who must be shown that land preservation efforts "respect and reflect their interests."

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Partnerships, from page 7

In addition, he said, nonprofits should try to bridge the gap between environmental protection programs and conservation interests, a gap prevalent in state governments, Bendick said. "We have only just begun to realize the importance of open land and intact natural systems to the protection of environmental quality, particularly water quality," he said.

Water revenues could be sought as a source of funding for land acquisition if the connection between environmental protection and land protection could be demonstrated and instituted, Bendick said.

Land trusts need also to recognize "there are limits to outright public and nonprofit ownership of open land," Bendick said, and encouraged the movement to embrace private stewardship as the future of land protection.

Private stewardship through easements, tax policy, education, and local land use regulation, needs to be augmented by nonprofit groups, he said.

resources ...

Workshop Cassette Tapes

The following is a list of workshops that were professionally recorded at the land trust conference and are available on cassette tapes for \$8 each. Shipping and handling is \$2.50 for one tape, \$3 for two, \$4 for three. Write the Land Trust Alliance, 900 17th St, NW, Suite 410, Washington, D.C., 20006-2501, or call (202) 785-1410. You may also fax your order to (202) 785-1408.

- Property Taxes and Conserved Lands: Educating Local Officials
- Conservation Easements: Keeping Legal Costs in Control with Good Planning
- Preserving Family Lands: An Introduction to Tax Issues
- Advanced Conservation Easement Stewardship: Managing Multiple Easement Holdings
- Landowner Contact: How to Get and Keep the Ball Rolling
- Land Planning for Conservation and Development: A Primer for Small Land Trusts
- Selected Tax Issues in Land Conservation Transactions: Problems and Solutions

- Membership Development Roundtable: Discussion of Successful Ideas
- Focus and Energize Your Land Trust through Strategic Planning
- Legal Issues in Nonprofit Administration: Board Duties, Conflicts of Interest, Tax-Exempt Status
- Tax Planning for Land Conservation Deals: War Stories and Other Observations
- Effective Public/Private Joint Ventures for Conservation
- Fundraising from Individuals: Building Your Organization for Success
- Making Easements Last: Setting Up and Implementing an Easement Stewardship Program
- Essentials of Managing Conservation Lands
- Successfully Promoting Easement Programs
- Bargain Sales: Tricks, Traps and Treasures
- Regulatory Techniques for Open Space Protection, or "Taming the Zoning Monster"

Books

Available in late November:

- *The Conservation Easement Stewardship Guide: Designing, Monitoring, and Enforcing Easements*

By Brenda Lind

Land Trust Alliance and the Trust for New Hampshire Lands, \$11

Conservation easements as an alternative to direct acquisition through donation or purchase, are being used more frequently by land trusts for preserving land and historic sites. As conservation easement acreage increases, so does easement holders' responsibility to make sure that easements are indeed perpetual.

This handbook offers a step-by-step procedure for effective stewardship. It is intended for both public agencies and private nonprofit conservation organizations and covers both land and historic preservation easements. Experience shows that conservation easements work; this book will help easement holders ensure that they endure. Call LTA at (202) 785-1410.

Conferences

Oct. 9: Lancaster, PA — Preserving the Land: Conference for Professionals, sponsored by the Lancaster Farmland Trust. Featured speaker, Stephen J. Small, author of *Preserving Family Lands*. Other workshops include rural growth management and ag zoning; TDR; historic preservation, writing, using and appraising conservation easements. Millersville University, 8 a.m. to 5. Call Karen Weiss at (717) 293-0707.

Nov. 10-13: Columbus, OH — International Conference on Agriculture and the Environment, sponsored by Ohio State University. Emphasis on global environment, water quality, integrated pest management, the impact of agriculture in developing countries, and more. For registration or information call OSU Dept. of Conferences (614) 292-4230.

March 26 - 28: Kansas City, MO, First National Conference on Land Evaluation and Site Assessment Systems, hosted by the Dept. of Community and Regional Planning, Kansas State University.

In 1981, the U.S. Soil Conservation Service (SCS) launched the agricultural land evaluation and site assessment (LESA) system to help implement the federal Farmland Protection Policy Act. Since then, federal agencies have used LESA extensively to assess the impact of federal projects on farmland.

About 200 local governments in 31 states have also used LESA systems. These state and local LESA systems are used as part of a variety of farmland protection and growth management programs, including ag zoning, PDR, TDR, environmental assessment review, conservation easements and preferential taxation.

This conference will bring together the leading LESA practitioners and researchers to share information and to introduce the concept to others.

The conference is sponsored by: KSU, SCS, American Farmland Trust, the APA's Small Town and Rural Planning Division, the National Assoc. of Conservation Districts, the Soil and Water Conservation Society, and several universities.

Sessions include: Local eastern states LESA systems, western states systems, central states systems, PDR and conservation easements, ag zoning, evolution of farmland protection in the U.S., environmental review, land evaluation systems, etc.

Cost: \$75. For information contact John Keller, Dept of Community and Regional Planning, KSU, Seaton Hall 302, Manhattan, KS 66506, or call (913) 532-5958.

May 4 - 6: Cape May, N.J., Open Space Preservation Conference sponsored by Open Space America, a nationwide citizen organization formed last year to support open space initiatives at the neighborhood, local, state and national levels. Themes: community open space, value of open space, innovative funding, developer's perspective, urban open space protection, agricultural preservation, metro open space planning, legislative advocacy, corridor studies. Field trips to Cape May Historic District, the Pinelands, Cape Henlopen, South Jersey towns. For information, write OSA, Box 413-B, McDonald Ave, Milmay, NJ 08340 or call (609) 476-4224.

May 17-20: Madison, WI, The Fourth North American Symposium on Society and Resource Management, hosted by the School of Natural Resources College of Agricultural and Life Sciences, University of Wisconsin. General themes include cultural resource management, environmental ethics, GIS for resource management, integrated resource management, natural resources and local communities, landscape aesthetics. Fifty-five concurrent sessions, poster session, round tables, four plenary theme addresses, two field trips and three receptions. For further information on submitting paper and poster abstracts or for registration information call School of Natural Resources (608) 262-6968.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Local zoning could jeopardize Delaware's fledgling PDR

DOVER, DE — The success of Delaware's new farmland preservation program could be threatened by local zoning ordinances that don't protect or even adequately provide for agricultural use, according to Delaware state officials and farmland preservation experts.

No farmland preservation techniques are in use or proposed in any of the state's three counties. And, none of the counties designate zones for predominant agricultural use. Some local commissioners feel that farmland preservation has become a state concern and that local initiatives are unnecessary, according to local planners.

Sussex, New Castle, and Kent Counties, allow, respectively, two units per acre in an ag/residential zone; a 1/2 acre minimum lot size in an ag and general purpose zone; and one-acre building lots "in rural areas."

"Zoning which purports to be agricultural zoning but allows residential uses or other non-farm uses at that level of density will assure any purchase of development rights program will be

too expensive to be effective," said James D. Riggle, director of operations for the American Farmland Trust. The fair market value of land under such zoning would make the cost of purchasing development rights prohibitive, he said.

The value of development rights is calculated generally as the difference between the fair market value and the agricultural use value of a given parcel.

"That's the threat you see in Howard County, Maryland," Riggle said. "They cannot afford to do the level of protection to assure a viable ag preservation program ... you absolutely need to incorporate farmland preservation into [zoning] regulations."

Mark Chura of the state natural resources department agrees that local zoning in the state, as is, would hamper the PDR effort. He believes, however, that there is "some movement in recognizing the need for conservation zones." The lack of zoning to protect agriculture is "a problem we

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Massachusetts could renew statewide planning initiative

LINCOLN CENTER, MA — A land use reform drive whose roots go back to 1977 may be brought back to life in the Massachusetts legislature, according to Katharine Preston of 1000 Friends of Massachusetts.

In Massachusetts a landowner can submit a subdivision proposal just minutes before a town changes its zoning and freeze his current zoning for eight years, and, lots along existing or approved roads are exempt from subdivision review. The state does not even require planning to precede zoning.

The legislature has heard from two land use commissions that studied what actions were necessary to improve the state's land use practices. But each commission, unluckily, produced their final

reports in the midst of recessions.

The Special Commission on Growth and Change held hearings across the state in 1989 and produced a report and recommendations for clearing obstacles to effective land use planning at

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Growth management techniques combined for rural plan

BEL AIR, MD — A comprehensive approach to protecting its rural area from further sprawl development and to strengthen its agricultural industry is the goal of a "rural plan" being developed by Harford County, Maryland.

The plan, which features rural clustering, a transfer of development rights program, and a county administered, installment-purchase farmland easement program, will be introduced to the Harford County Council in December.

The stated goals of the rural plan are to "conserve" the agricultural land base and preserve rural character, to preserve and protect open space including environmentally sensitive areas, and, to encourage compatibility between new development and the existing ag/rural areas.

Termed as "conservation development," the cluster provision is designed to temper the county's 1 in 10 agricultural zoning, among the highest density allowances for ag zoning in the nation. In addition, a lenient family conveyance clause has seen some abuse, said planner Michael A. Paone.

Some farmland parcels have received dozens of additional building rights through the conveyance law, which provides for an unlimited number of lots to be given to all living parents, siblings and children of owners who owned their parcel(s) prior to Feb. 8, 1977. The number of lots is only limited by a parcel's size, and the number of two-acre minimum lots that can be placed on it.

The department may recommend the family conveyance law be amended, Paone said, but county leaders have no plans to amend allowed densities in the agricultural zone. It has not been determined whether the cluster provision will be recommended as mandatory or voluntary, Paone said. The provision could be applied to the entire agricultural area or to rural/residential areas.

Farmland preservation experts have debated the wisdom of using rural clustering as a farmland protection technique. Tom Daniels, an agricultural economist and executive director of the Lancaster County Agricultural Preserve Board, said rural clustering provides open space to new residents, but encourages the continued fragmentation of farmland and the eventual decline of a viable agricultural economy.

The transfer of development rights proposal has not been developed. The receiving areas, as well as

please continue to next page

Prescribed buffers in ag elements

BEL AIR, MD — Another possible move for Harford County's rural plan, according to Paone, is a required buffer of at least 200 feet between non-ag and ag uses.

Two California counties are proposing similar buffer measures as part of revised ag elements, but such a prescribed buffer has few known models nationwide.

The town of Suffield, in north central Connecticut, requires buffer strips to be established in residential subdivisions adjacent to actively farmed land, of between 30 and 100 feet to protect residents from dust and spray drift.

Delaware's new purchase of development rights program requires a 50-foot buffer between any improvements requiring occupancy permits and agricultural districts created under the program. Maine requires 100 feet from the edge of registered, actively farmed land to a non-ag use. South Hampton, N.Y., requires half of any parcel adjacent to agricultural land to be reserved for farm use or for a future buffer, according to Authur Kunz, Suffolk Co., N.Y. planning director.

Sacramento County, Ca., has proposed in its general plan's ag element a policy to require buffers from 300 to 500 feet on the parcel proposed for development when adjacent to ag parcels. Stanislaus County is also proposing a buffer element between ag and other uses.

Examples of prescribed buffers between ag and non-ag uses, proposed and enacted

Stanislaus Co., Ca.

Proposes in its general plan ag element that buffers be required when new non-ag developments are approved in ag areas. *Status: Proposed*

Sacramento Co., Ca.

Would require buffers of between 300 to 500 feet, including roadways; provision for allowing less width if natural features provide buffering. Developer would also provide fencing and trespass notices. *Status: Proposed*

Harford Co., Md.

Would provide for buffer of at least 200 feet between ag and non-ag uses. *Status: Preliminary*

State of Maine

Provides for 100 foot buffer from the edge of actively farmed land and a non-ag use for farms enrolled for the state's Farm and Open Space Tax Law. *Enacted 1989. Amended 1990*

Town of Suffield, Ct.

Developers are required to establish a minimum 30 foot buffer when adjacent to actively farmed land. Buffers of up to 100 feet can be required depending on type of ag operation, topography and buffer design. Lot owners responsible for maintenance. *Enacted 1987*

State of Delaware

Requires 50 foot buffer between structures requiring occupancy permits and ag districts formed under the new PDR program. *Enacted July 1991*

Rural Plan, from preceding page

the specified sending areas are the subject of debate among planners and county officials. The feasibility of establishing of a fully operating, countywide TDR program has been in doubt, according to planning director William G. Carroll. No consultants have been retained.

The county hopes to increase its number of farms under easement by developing its own purchase of development rights program using the installment-purchase approach devised by Daniel P. O'Connell of the Sturdivant & Co., Inc. of New Jersey. O'Connell created the plan for Howard County, Maryland in 1988.

Another element of the rural plan is a move to revise zoning regulations and develop architectural guidelines to better complement existing village centers and to mitigate the effects of new development in rural areas. One of the goals of this element is to determine whether village centers can feasibly serve as receiving areas under TDR. The county also hopes to affect changes in road standards to allow construction design more in keeping with community character.

In addition to the elements the planning department has developed, some members of the county council have requested that planners explore the concept of an agricultural enterprise zone, similar to that being proposed in Cumberland County, New Jersey as reported in the July-August 1991 issue of *Farmland Preservation Report*, which is published in Harford County. *Contact: Mike Paone, (301) 838-6000, ext. 103.*

Model for linking land use, transportation goal of project

PORTLAND, OR — Strengthening the link between land use and transportation planning, and developing a model for using that link, is the aim of a new project coordinated by 1000 Friends of Oregon.

The model will enable planners to better forecast how land use decisions will affect transportation needs, and how land use planning can alter and decrease those needs, according to Keith Bartholomew, project coordinator and staff attorney for 1000 Friends.

The proposal to build a bypass around Portland was the catalyst for the project, said Kevin Kasowski, coordinator for the Friends' National Growth Management Leadership Project. "Our own interest

is to show there are alternatives," to building more roads, Kasowski said.

The project's goal also serves as its name: Making the Land Use, Transportation, Air Quality Connection, or LUTRAQ, and the project bills itself as a national demonstration project that will provide for planners "the first-ever quantitative analysis of alternatives to urban sprawl." Compact land use patterns will be the emphasis.

The study team includes Calthorpe Associates of California, Cambridge Systematics of Massachu-

The problem ...

"Transportation planning in America presently occurs in isolation from both land use and air quality planning. Under current systems, transportation planning takes as its starting point the continuation of existing forms of urban development, which are typically low density in nature ...

America's laissez-faire habit of sprawl is so extreme that it is affecting not only the nation's social well being, but also its foreign policy.

Over-dependence on the automobile means over-dependence on foreign oil. In 1989, 46% of the U.S. oil supply was imported, almost double the amount imported in 1973.

With only 4% of the world's remaining proven oil reserves located in North America, domestic oil production is expected to drop sharply in the near future, leading to even greater reliance on imported energy."

—from the LUTRAQ project description

setts, the Hague Consulting Group of the Netherlands, as well as transportation experts Jeffrey Zupan and Elizabeth Deakin.

"We've been looking at transportation over the last 40 years from the supply-side perspective — how to provide more capacity, rather than how to reduce the use," Bartholomew said.

The project has two components: to develop a methodology for identifying alternative development patterns to reduce travel demand, and, to improve computer forecasting. "We want to develop and install an integrated land use forecasting model," Bartholomew said.

With highway projects similar to the Portland bypass proposed for Washington, D.C., Denver, and Atlanta, LUTRAQ is both timely and needed, Bartholomew said. Completion is set for May 1992. *Contact: Keith Bartholomew, (503) 223-4396.*

New local zoning could threaten Delaware program

continued from page 1

haven't grappled with yet. We do have that challenge ... I think you'll see continued discussion on that."

New Castle County, Delaware's most urbanized jurisdiction, recently completed a comprehensive plan that designates 35 five-year growth boundaries, to be delineated annually, through which can be expected "some leakage," said Ed O'Donnell, chief planner. The county has proposed a clustering provision with a lot-averaging development option. Lot averaging allows lot sizes to vary, with smaller than the usually prescribed lots if offset by lots that are larger, and if the number of lots do not increase.

But New Castle legislators felt actual farmland preservation provisions were unneeded, O'Donnell said, because the state was establishing a program. "The county decided [farmland preservation] was a state thing," O'Donnell said.

Kent County's zoning ordinance was recently "totally revised," said S. Michael Thompson, chief planner, but, he said, "it has nothing to do with farmland preservation." Rural areas have one-acre building lots.

Farmland preservation in Kent County may remain a non-issue for its planning department under current political leadership. Last year Kent officials ignored their own comprehensive plan and planning staff and approved a 100-acre townhome project that gave rise to a 500-acre, multimillion-dollar country club project in the heart of the county's Amish farming community.

Scores of Amish families have left their Kent County farms over the last several decades, and continue to flee the pressures of growth, according to the *(Del.) News Journal*.

As in Kent and New Castle Counties, Sussex has also recently completed revisions to its land use plan. Its ag/residential zone doesn't actually prescribe ag use, said chief planner Lawrence Lank. Only general references are made to agricultural uses throughout the plan.

Landscape buffer regulations have been proposed but are on hold for Sussex County's two unit per acre zoning. The county is discussing ways to mitigate conflicts between ag and residential uses, Lank said, but the next comprehensive plan revision is set for 1995.

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etcetera ...

APA hires land preservation advocate

Chicago, Ill. — New blood at the American Planning Association could mean more attention to farmland and open space preservation issues. Farmland preservation runs in the family of Bill Klein, the APA's new director of research and education. Klein is the nephew of John V.N. Klein, creator of the nation's first purchase of development rights program in Suffolk County, NY.

Klein has made his own name in the land protection field. In the early 1980's, he developed the Nantucket Island Land Bank, the subject of an ABC News feature segment that aired Aug. 7 in which Klein was interviewed.

Land banking is the acquisition of land by a government agency or land trust for an unknown future use, or for subsequent resale to developers with certain development restrictions.

"There are occasions when all the tools we know that seek to preserve farmland don't work. Sometimes you have a piece of ground everyone agrees should be saved, but the landowner can't accept anything but fair market value."

"I'm a strong believer in getting people in planning, farmland preservation and conservation together," Klein said, because "they have the same goals." Klein said in his 20 years as a planner he has seen farmland preservation become "a very hot issue. Even for the suburban areas that want to hold on to those last few acres."

Klein said the APA has traditionally been "urban oriented," but that he would like the organization to provide more information and guidance on farmland preservation and rural issues. "The rural/urban fringe is where the action is. I think [farmland preservation] is one of the important issues in the nation." *Klein can be reached at (312) 955-9100.*

Arendt joins the Natural Lands Trust

Media, Pa. — Randall Arendt, known nationally for his advocacy of open space zoning, accepted a position with the Natural Lands Trust in July. He will serve as vice president for conservation programs, in charge of planning, acquisition and stewardship. Arendt was formerly with the Center for Rural Massachusetts.

The Natural Lands Trust has protected properties, including farmland, in the greater Philadelphia and mid-Atlantic region. The Trust was established in 1961.

Arendt will continue his advocacy role, but "I'll be cutting back," he said, the number of trips he makes at the request of localities exploring open space development. Arendt's persuasive presentations have convinced a number of jurisdictions to create development standards in agricultural areas that preserve open space and rural character while providing profitability for the landowner and developer.

Arendt says a new interest is "landowner compacts," a voluntary arrangement in which contiguous landowners work together with a third party (not-for-profit entity) to develop part of their combined parcels while leaving a sig-

nificant portion for open space.

The use of limited development as a farmland preservation technique has been the subject of debate. Many planners believe any development in agricultural zones endangers the local farm economy. *Arendt: (215) 353-5587.*

Limited development on historic properties ...

Palm Beach, Fl. — Meanwhile, limited development for historic or highly valued urban properties has become a profession in its own right as localities seek ways to mitigate the loss of community landmarks. The Town of Palm Beach, Fl. and its Landmarks Commission hired Clarion Associates of Chicago to advise them on how the 16.5-acre former estate of Marjorie Merriweather Post and husband E. F. Hutton can be developed without destroying its historic character. Donald Trump, the present owner, has proposed subdividing the estate into nine lots. *Contact: Clarion Associates, Cheryl A. Inghram, (312) 630-9525.*

... And on a New Jersey farm

A limited development plan was completed on a 170-acre New Jersey farm when a joint effort between the landowner, the developer, a nonprofit organization and an autonomous state agency succeeded in preserving through easement most of the acreage on five created lots of between 15 and 22 acres each. In addition a 79-acre wildlife sanctuary was created.

The project was initiated by the landowner, who contacted the New Jersey Conservation Foundation seeking advice on how to develop the property with minimal disturbance. The Foundation contacted Commonwealth Land Concept, Inc., a development firm that had experience in limited development. The firm donated the wildlife refuge and the easements, as well as a \$15,000 endowment to the New Jersey Natural Lands Trust (not to be confused with the Natural Lands Trust), thus claiming a charitable contribution. *The New Jersey Conservation Foundation: (201) 539-7540.*

Fourteen states likely to qualify for assistance

Washington, D.C. — Four states, Delaware, North Carolina, New York and Wisconsin, met the Aug. 1 deadline for qualifying for federal assistance under the Farms for the Future Act. Each of the states passed laws creating at least a designated fund for farmland preservation for localities.

Two other states, Florida and Michigan, may have more difficulty demonstrating qualifications if they applied for assistance under the act, according to Jim Riggle of the American Farmland Trust.

The total number of states now likely to qualify is 14. The states would be eligible to apply for loan guarantees and interest rate subsidies under the federal program.

Rules for the new program have not been completed. *Contact: Jim Riggle, (202) 659-5170.*

Welcome to etcetera ...

We hope you will enjoy this new column which will run regularly in Farmland Preservation Report. It is intended to provide space for shorter news stories as well as for stories that have a personal appeal.

Delaware, from preceding page

Michael McGrath, manager of the agland section of the state department of agriculture is urging New Castle County to consider imposing an infrastructure fee schedule for outside of the designated growth areas. "There's got to be a differential structure in impact fees for outside service areas. We know that over the long run [the county] will have to provide services there."

McGrath said that when government allows development to occur in farming or non-serviced areas, without impact fees that reflect the true projected costs of future service, it is "creating a marketplace failure," in which the price of new homes are subsidized and future service costs are absorbed into the tax base. Those costs, he said, should be "put back into the transaction."

The passage of HB 200 in July, creates a program modeled after Maryland's purchase of development rights program, in which farmers elect to form a district with their own land or with adjacent landowners, to become eligible to sell easements.

In the Delaware program, 200 acres are required for district formation, (100 in Maryland) although parcels of less than 200 acres located adjacent to, or located at least partly within a one-mile radius of an established district, may apply as an enlargement of that district. District status is maintained for 10 years and automatically renewed for another five years unless the landowner gives written withdrawal notice. In Maryland, district status is maintained for five years only.

Local zoning in Maryland has generally been conducive to farmland preservation. Nearly all Maryland counties have agricultural zoning that designates agriculture as a predominate and desired use, and most counties have policies to protect farmland. Almost all Maryland metro area counties have farmland preservation techniques in use, most using more than one technique or a comprehensive approach to protecting farmland. Some use economic development to boost farming.

Protections not in the Maryland PDR law include restrictions on adjacent land use, requiring that subdivisions located within 300 feet of an ag district boundary provide a written notice to new homeowners regarding the nature of farming operations. Also, no improvements that require occupancy permits can be built within 50 feet of an ag district. (See story on buffers, page 2). *Contact: Mike McGrath, (302) 739-4811; Jim Riggle, (202) 659-5170; Mark Chura (302) 739-4403.*

State land use law for Massachusetts?

continued from page 1

the state and local level. That report was released in Jan. 1990.

The timing could not have been worse. The state was in political gridlock over a \$500 million deficit in its fiscal 1990 budget, and its bond rating had fallen to the lowest in the nation. With more than 3,000 state jobs proposed to be cut, changing the state's land use habits was not high on the political agenda.

Recently, however, a freshman legislator has put together a Subcommittee on Land Use and Growth Management to review the Commission's recommendations. A roundtable has been scheduled for this month. Preston, of 1000 Friends, said the subcommittee is concerned with moving forward and is satisfied with the ground already covered by the Commission.

The Commission recommended that a state land use planning and management law be developed that would define the planning process, and how local, regional, and state bodies would coordinate. The law would strengthen the ability of localities to formulate comprehensive plans, and the plans would be reviewed and certified by regional planning commissions.

Implementation was estimated to cost \$20 million per year. The Commission stated "the lack of the type of planning proposed in this Act has been a major contributor to the current fiscal situation."

A real estate transfer tax, local bond funding, enabling legislation for impact fees, and development review fees were recommended as ways to raise funds.

The Commission held 10 public hearings. Farmland loss was the concern primarily of the Connecticut and Blackstone Valleys. Concern over the inability of localities to effectively plan and control development was expressed throughout the state. Many expressed concerns that towns were losing their character and were becoming blended into one another through strip development, with no distinctions between them. Whole regions were losing the beauty and cultural flavor that had attracted tourists.

Many elected and appointed officials said they were frustrated by a lack of professional staff and resources. Planning board members pointed to a lack of available training in the laws they were to enforce.

The state's grandfathering clause, planners said, was a disincentive to planning.

In one case, the City of Taunton, about 20 miles from Providence, R.I., went through a two-year growth management process in which a 22-member advisory board proposed to rezone the city for intense development at its core and less at its periphery. Despite its efforts, 6000 units of housing were grandfathered in the city's outlying areas.

The Commission proposed that after enactment of a comprehensive planning act, localities completing comprehensive plans could opt to use negotiated development agreements in place of grandfathering. Such agreements would include permit duration based on size, type and complexity of the development, mitigation actions required by the community, protection for the developer from regulatory changes during negotiation, and flexibility for agreements between

continue to page next page

legislative briefs ...

In California ... AB 886 has been put on hold until next year. The bill would require localities to establish thresholds for the conversion of farmland, beyond which an environmental impact report would be required, showing how impacts would be mitigated. The postponement will allow growth management studies and reports currently underway by state agencies and citizen coalitions to be completed ... Stanislaus and Sacramento Counties, in updating their general plans, are considering buffer requirements between ag and other uses (see related story page 3) ... Yolo County is considering a right-to-farm notification provision for new homes built within 1000' of an agricultural operation. Two years ago the state gave counties the authority to require real estate transfer disclosure statements.

In New York ... A 2/10 of one percent motel/hotel tax was passed to establish funding for the Hudson River Valley Greenway Council. The Council includes an Agriculture Advisory Committee which will recommend techniques for preserving farmland and for promoting farm products in the greenway ... New York made itself eligible for funding under the Farms for the Future Act despite Farm Bureau opposition. The bill creating a Farmland Protection Trust Fund was signed by the governor July 31.

In North Carolina ... Legislation passed making the state eligible for assistance under the Farms for the Future Act.

In New Jersey ... The governor signed a \$20.5 million appropriations bill for the farmland preservation program. The program is moving forward on acquisition of 35 farmland easements that will bring the number of protected acres in the state to about 17,000. The program also has 78 applications in the preliminary stages.

In Pennsylvania ... Part of an increased cigarette tax will be dedicated to farmland preservation

For copies of bills or information on items in legislative briefs, call the numbers below.

California	(916) 753-1073
New York	(518) 427-8357
New Jersey	(609) 984-2504
Penn.	(215) 469-0666
Mass.	(508) 792-7710

(see story this issue) ... Sen. Jim Greenwood has introduced two bills that will ease the tax burden on preserved farmland parcels by freezing assessments at the time of easement sale.

In Maine ... A bill calling for a \$50 million bond issue for the Land for Maine's Future program did not move out of committee.

In Maryland ... Frederick County has adopted its own farmland easement program which will go into effect this year. The county has \$1.3 million available for easements from the state agricultural transfer tax and may allocate an extra \$200,000 in county funds, according to program administrator Tim Blaser (301) 694-2513.

Several other Maryland counties have their own programs ... Kent County is hoping to reduce its minimum lot size in its rural cluster provision, or even to eliminate it for developers who can work out the necessary health department restrictions for septic. The county will reconsider whether its optional cluster provision should be mandatory (301) 778-4600.

In Wisconsin ... Now qualifies for Farms for the Future assistance.

In Massachusetts ... The Agricultural Preservation Restriction Program won a state supreme court case against a farmer who wanted to build a home on a prominent hillside of an easement property.

In Congress ... The House did not vote on its version of the transportation bill. No action can be expected before mid-September.

Federal ... No rules have yet come out of the Farmers Home Administration for the Farms for the Future Act despite an announcement the agency anticipated the rules would be released by August 1.

□

Massachusetts, continued from page 6

the community and the developer.

In addition, grandfathering would be amended by changing the date of effectiveness of the town's zoning change to the first date of publication rather than the time of actual enactment.

In addition to legal changes, the Commission recommended the establishment of a Center for Land Use Planning and Management at the University of Massachusetts at Amherst. The center would provide technical assistance, conduct analyses, serve as a clearinghouse, and establish training programs.

The state planning drive will benefit from the experience of Cape Cod. There, in 1988, a move to gain control over development pressures that threatened to dampen tourism resulted in successful referenda that created the Cape Cod Growth and Development Commission, now known as the Cape Cod Commission, established as a planning agency. The vote was preceded by a moratorium called by Sen. Paul Tsongas as an emergency measure to halt development until voters could decide how to guide the future of the Cape.

Armando Carbonell, director of the Cape Cod Commission, and member of the 1000 Friends board of directors, said the Special Commission on Growth and Change "did a thorough job, wrote a good report, and somehow missed the timing. The economy turned cold."

In addition, he said, "they lacked the Tsongas ingredient," the political leadership that could have made land use a viable political issue statewide.

"There was no politician that wanted to fight that fight. That's part of what it will take to turn this into something that's important to people ... growth management needs to be about jobs and high quality solutions to development problems," Carbonell said.

Carbonell said parallels could be drawn between the Cape Cod initiative and what could be happening at the state level. On Cape Cod, he said, "we were proposing to realign the role of towns and counties, and, indirectly, to correct the deficiencies in the state process." The goal, he said, was to link planning and land use regulation. The Cape Cod Act, for example, did succeed in amending the grandfathering clause.

An ad hoc group of planners has formed to take the Commission's recommendations and "put together a preliminary outline of legislation," said Katharine Preston.

Attempts to gain a consensus on the outline among groups of planners have been difficult, she said. "Reactions were extremely mixed. The job of 1000 Friends is to figure out a strategy to put together a more broad-based consensus," she said, that will go far beyond the professional planning community.

1000 Friends is looking to the California Growth Management Consensus Project (*to be profiled next month*) as a possible model for the Massachusetts effort, Preston said. *Contact: Katharine Preston, (617) 259-8226; Armando Carbonell, (508) 362-3828.*

Cigarette tax hike to support farmland preservation in Pa.

HARRISBURG, PA — An increased tax on cigarettes in Pennsylvania could yield a hefty shot in the arm for the state's farmland preservation program, according to Mike Warfel, assistant to Sen. Noah Wenger, sponsor of the bill.

The money would come from a designated two cents of a 13-cent increase on cigarette packs and would go to the program beginning in July 1993. Revenue estimates for the two-cent share have varied widely, from \$7 to \$20 million, according to Ann Orth of the American Farmland Trust's Pennsylvania field office.

Pennsylvania is the second PDR state, after Maryland, to provide a dedicated tax for farmland preservation. Maryland has an agricultural land transfer tax dedicated to its farmland preservation program. Vermont and Maine have dedicated taxes for general land acquisition programs that include some monies for easements on farmland. All other PDR states fund their programs through bonds or general fund allocations.

The Pennsylvania program, begun in 1989, was funded through a \$100 million bond passed by voters for farmland preservation. Since its first easement was purchased in December 1989, the state program has approved easement applications for 69 farms, encompassing 7,575 acres, in eight counties. Twenty-five counties have established administrations to participate in the program. Most of the counties are located in the eastern two-thirds of the state, according to Fred Wertz, program director. Many of those are in the south-eastern area.

Among those is Lancaster County, which has had its own easement program since 1980. The county was off to a good start with many easements being donated, and now has 10,000 acres under protection through its own program, the state program and in cooperation with the Lancaster Farmland Trust.

The new funding shows a commitment to the program that may encourage other counties to develop programs, said AFT's Ann Orth. "Some felt that the funding was limited and it was not a permanent program. Now the longevity of the pro-

gram is guaranteed."

Fred Wertz, administrator for the state program, said the dedicated tax was a far-sighted move that will help build public confidence in the program. "I think it probably answers a lot of hopes and desires of the board. People have been asking, 'What happens when the money is gone?' Now we have an answer for that." Contact: Fred Wertz, (717) 783-3167.

resources ...

Publications

• *Guiding Growth — Building Better Communities and Protecting Our Countryside*
By Robert E. Coughlin, et. al.
Pennsylvania Environmental Council, 1991

This is a handbook for Pennsylvania municipalities, particularly those in rural areas, seeking to manage their growth to "ensure that development is managed so that it is environmentally, aesthetically, and fiscally acceptable." But this notebook-style guide can double as a reference tool for growth management veterans and as an introduction for those who are new at the trenches in any state. The handbook explores desirable patterns of development, what is possible under Pa. law, how to plan wisely and implement plans effectively and how citizen groups can be helpful in the scheme of things. The text is followed by catalog-style appendices detailing growth management and land preservation techniques. The catalog of special techniques is especially "reader friendly" and should be very helpful to those who need a guide and review of possible approaches to improving how development takes place. Call the Council at (215) 563-0250.

• *Preservation of Rural Character and Protection of Natural Resources*
By Patricia E. Salkin, Esq.
Government Law Center of Albany Law School, April 1991

A 1986 study found that 50 percent of New York's municipalities did not have comprehensive plans, and 42 percent had no subdivision regulations. This paper (spiral bound) was originally prepared for a N.Y. legislative commission land use advisory committee, and details farmland and open space preservation techniques and growth management tools. It's approach is fresh, outlining the difference between preserving farmland and preserving agriculture, and between true farmland preservation and open space preservation. This handbook can be useful for review and reference and is well-written and well-documented. The appendix contains enabling statutes for PDR and TDR, planned unit development statutes and contract zoning statutes. They are copy machine produced and some are difficult to read. The bibliography is useful. Call (518) 445-2329.

• *U.S. Farm Policy: Who Benefits? Who Pays? Who Decides?*

The League of Women Voters Education Fund

This 24-page primer on the farm bill gives background on farm policy and reviews how the 1990 farm bill affects farmers and consumers. This booklet is a good way to learn the basics of federal farm policy and to draw your own conclusions on how it may affect land use. Write LWV at 1730 M St., NW, Washington, D.C. 20036.

• *National Director of Conservation Land Trusts, 1991-92 Edition*

The Land Trust Alliance, \$14.

The only source of detailed information on the nation's land trusts, including membership, budget, area of operation, land protection methods, and conservation priorities. Add \$3 shipping & handling. Charge to Mastercard or Visa. Call LTA at (202) 785-1410.

Conferences, Workshops

Sept. 21 - 25: Waterville Valley, N.H. "Rally 91: The Power of Partnerships" sponsored by the Land Trust Alliance and hosted by the Society for the Protection of New Hampshire Forests. Workshops on land protection, effective organization and program management, fundraising and others. Field trips to view work of land trusts in the region, exhibits, video showings. This year's theme reflects the many ways land trusts work with government agencies, conservation organizations and other groups to meet common objectives. For late registration (after Sept. 10) call the Land Trust Alliance, (202) 785-1410.

Oct. 1: Monmouth County, N.J. — Workshop on Easement Monitoring sponsored by the New Jersey Conservation Foundation. An all-day workshop on why it's crucial to monitor easement farms; how to start a monitoring program; the importance of effective communication with landowners; how to conduct a farm visit. Keynote speaker is Rich Hubbard of the Massachusetts Agricultural Preservation Restriction Program. A fee of \$15 covers lunch and materials. Day ends with a farm visit. Call Eleanor Campbell at (201) 539-7540 for registration or more information.

Oct. 9: Lancaster, PA — Preserving the Land: Conference for Professionals, sponsored by the Lancaster Farmland Trust. Featured speaker, Stephen J. Small, author of *Preserving Family Lands*. Other workshops include rural growth management and ag zoning; TDR; historic preservation, writing, using and appraising conservation easements. Millersville University, 8 a.m. to 5. Call Karen Weiss at (717) 293-0707.

Nov. 10-13: Columbus, OH — International Conference on Agriculture and the Environment, sponsored by Ohio State University. Emphasis on global environment, water quality, integrated pest management, the impact of agriculture in developing countries, and more. For registration or information call OSU at (614) 292-4230.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Ag "enterprise zones" proposed for New Jersey state plan

BRIDGETON, NJ — New Jersey needs to pump up its farmland program with agricultural economic development strategies that will complement land preservation techniques, according to the Cumberland County Agricultural Development Board and Department of Planning and Development.

A proposal for economic development strategies — focusing on the establishment of agricultural enterprise zones — was sent to state agriculture secretary Arthur Brown Jr. in an attempt to resolve disagreements over the state's 1988 preliminary statewide plan. The plan, agricultural planners say, failed to adequately address agriculture's needs as an industry.

"Our concerns were completely swept aside," said Timothy A. Brill, assistant planning director for Cumberland County.

The economic development scheme is built around the concept of an agricultural enterprise zone modeled after inner city redevelopment programs. Brill said such an approach is needed to pull the state away from seeing farmland retention solely as a land use issue.

"The general feeling of the state board [of agriculture] is that the plan has not been sensitive to the needs of agriculture," Brill said of the state plan, initiated by the legislature in 1985.

The first draft of the state plan was brought out in 1988 amid much fanfare. Through what the state calls its cross-acceptance process, the plan was compared to county and municipal plans to identify areas of concern.

A negotiation phase followed in which state and local planners and officials tried to make objectives compatible, a phase that is now reaching conclusion. An interim plan was released in mid-June and will be going before the state planning commission for adoption. Economic impact assessment and issue resolution will follow, leading to adoption of a final plan sometime next year, Brill said.

The Cumberland County Board of Agriculture maintained that the state's preliminary plan represented "a significant depreciation in the

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Six more states could qualify for federal funding assistance

WASHINGTON, D.C. — Depending on legislative outcomes, six additional states could qualify by the Aug. 1 deadline for loan guarantees and interest rate subsidies under the Farms for the Future Act, passed by Congress last year, bringing the number of qualifying states to 16.

The additional states are Delaware, Michigan, North Carolina, New York, Florida, and Wisconsin. They would join California, Connecticut, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, Pennsylvania, Rhode Island and Vermont.

Delaware passed its Agricultural Lands Preservation Act June 25, establishing a purchase of development rights program. Initial funding to set

up the Delaware Agricultural Land Preservation Foundation was set at \$48,000. Passage of the act makes Delaware the only state among the new six vying for FFA participation to actually create a

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Economic initiatives sought to complement preservation

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equity (and borrowing capacity) of farmland ... it is the nature of our industry that we must dip ever deeper and deeper into the equity well," the board told the state agriculture secretary.

The board warned that if any decrease in equity occurred as a result of the state plan, that state guaranteed operating loans would be needed to offset the difference between ag value and "speculative re-zone value."

The board proposed that ag enterprise zones be established that would provide financial incentives for farm expansion and for new agricultural enterprises to locate in the zones. The board proposed strong right-to-farm laws for the zones, as well as water use priority and wages set at no more than the federal minimum.

In addition, the board proposed village and rural cluster development be allowed in the zones. Tract development should be discouraged, the board said, but advocated landowners "receive relaxed means of subdividing and/or re-zoning land within the zone for other types of ag development, service, support and convenience businesses, as well as for housing for family and employees."

"We see a limited amount of growth as a healthy thing," said Brill. "Some areas are situated to provide appropriate hamlet development. We have beautiful examples of functioning villages. We feel we can accommodate projected growth with infill projects and a limited number of new villages."

The board proposed that for operations within the zones, inheritance laws be changed to permit the transfer of farms to the next generation without tax liability, that production equipment, supplies and greenhouses be exempt from sales tax and that farm buildings be exempt from real estate tax. Alternately, the taxes should be used for agricultural development, the board said.

In a grant proposal to the New Jersey Conservation Foundation last year, which netted a \$3000 grant to study the concept of ag enterprise zones, the Cumberland County ag board stated that farming continued to be a "marginal economic enterprise in New Jersey, despite unsurpassed marketing opportunities and demand for fresh produce, ornamentals, and small town, country experiences."

A primary function of the enterprise zone would be to promote the location of food process-

ing plants, Brill said. Under a new economic and regulatory climate, new firms would be encouraged to locate in the zones, and former firms that have left the area would be wooed to return.

Hunt-Wesson, the ketchup manufacturer, left the town of Bridgeton, in Cumberland County, in 1984 when its plant needed upgrading. The company decided that the cost of doing business in the area made relocation a better choice. Its departure had a major impact on the area's tomato growers, Brill said, and destabilized the land market. The Campbell Soup Co. had a manufacturing plant in Camden, in north New Jersey, but now does its processing in California and Ohio.

The key to getting companies like Hunt-Wesson to locate in the area is for the state to offer true monetary incentives as part of the ag enterprise zone package, according to John Savage, Cumberland County director of economic development.

In presenting its grant proposal, the Cumberland County Agricultural Development Board lamented that no model for an agriculture enterprise zone existed in the nation. It hired a consulting firm to produce a feasibility study.

Tom Unruh, a researcher for the National Governors' Association who has tracked rural economic development initiatives, said he has not heard of any similar initiative. "I haven't come across anything that focuses that specifically on production agriculture," Unruh said. He added, however, that because all of New Jersey is classified as a metropolitan statistical area, the NGA would likely not consider collecting information on rural economic development there, or in other metro areas where similar initiatives would likely occur.

Legislation in Iowa last year proposed a limited incentive program that would have provided a break on property taxes for expanded or upgraded agricultural facilities, according to Mark Popovich of the Council of Governors' Policymakers. Popovich co-authored a 1986 policy paper on stimulating an entrepreneurial farm economy.

Despite its metropolitan area status, Cumberland County has an agricultural production of \$100 million per year, with 75,000 acres of farmland and 485 full-time operators. It has a population of about 150,000, is located on the southern end of the state, on the Delaware Bay opposite Dover, Delaware. *Contact: Tim Brill, (609) 453-2175; Tom Unruh, (202) 624-5300; Mark Popovich, (202) 624-5386.*

Farms for the Future Act could assist preservation programs in 16 states

continued from page 1

program administration.

Modeled after the Maryland program, the law establishes a foundation, a fund, local advisory boards, and a two step process for preservation, through owner-initiated district formation and eligibility for easement sale.

The program differs from Maryland's by requiring 200 acres (Maryland requires 100 acres) and by setting district termination at 10 years instead of Maryland's five. The farmland owner must notify the foundation of intent to withdraw, or the district period will be automatically extended five years.

The law also requires developers to provide through deed restriction to new homes within 300 feet of an agricultural district notification that purchase is conditioned on acceptance of agricultural practices.

Amendments to the bill initiated by the Department of Natural Resources provide a stronger role for the secretary of agriculture in developing criteria for district acceptance. District participants will be exempt from real estate taxes on unimproved land, and easement participants will be exempt from real estate, transfer, gift and inheritance taxes. A provision to grant tax credits for best management practices was stricken.

Michigan has had a purchase of development rights program on the books since 1974, but without funding except through accrual of penalty funds from termination of contracts in the state farmland development rights agreement program. In that program, farmers agree to restrict building of nonfarm structures for 10 years.

That fund, which has been accruing for six years, has now reached \$5 million, according to Richard Harlow of the state department of natural resources, who said the program is actively seeking suitable parcels for easement purchase in metropolitan areas. Harlow said unique or critical natural areas qualify as well as farmland. "We are looking at urban area farmland now," he said.

The North Carolina, Wisconsin and New York legislatures were still working on legislation for farmland preservation at press time.

Florida could qualify through its \$3 billion

Preservation 2000 program, according to Etko. The program targets environmentally sensitive land for acquisition. The program would need an executive order stipulating farmland as eligible for consideration under the fund to put the state in the running for FFA assistance, Etko said.

Under the Act, 10-year loans made by lending institutions to state trust funds used to administer farmland preservation programs would receive no payments on the principle for the first 10 years. The trust fund would be entitled to receive an interest rate subsidy at the allowable rate for the first five years and at no less than three percentage points for the second five years.

Under the program, loan guarantees can equal no more than double the amount the state makes available for acquiring interests in land, and the federal share would not exceed \$10 million per fiscal year per state.

Contact: Steve Etko, (202) 659-5170.

Lancaster County, Farmland Trust mark 10,000 acres preserved

LANCASTER, PA — The Lancaster County Agricultural Preserve Board and the Lancaster Farmland Trust celebrated the 10,000-acre mark in farmland preserved in the county June 13.

Lancaster County was the first jurisdiction in Pennsylvania to establish a farmland preservation program. Established in 1980, the nine-member board purchased their first conservation easements in 1984, and by 1988 had protected 68 farms and more than 5,700 acres.

In 1989, funds from the state's \$100 million bond sale for farmland preservation boosted the county's work. Last year the board received a record 76 applications to sell easements.

The ag preserve board now protects 8,500 acres on 92 farms, and the Lancaster Farmland Trust has preserved 1,600 acres on 22 farms. The ag preserve board acreage includes 2,330 acres under 25-year easements.

Except for Montgomery and Carroll Counties in Maryland, Lancaster County has preserved more farmland through easement than any county on the east coast, according to Tom Daniels, executive director for the board. Lancaster County also falls behind King County, Washington, and Marin County, California in number of acres preserved.

Contact: Tom Daniels, (717) 299-8355.

National growth management group focuses on advocacy

PORTLAND, OR — The National Growth Management Leadership Project, a coalition of state and regional conservation and planning groups from 17 states, will likely consider farmland preservation as a growth management element in upcoming agenda, according to Kevin Kasowski, executive director of the Project. The Project is administered by 1000 Friends of Oregon.

Although farmland preservation has not figured prominently in the group's policy formation, that could change, Kasowski said.

"So far we haven't delved into it a lot. It's not an issue that's a number one priority in all 17 states. That's why we haven't looked at it in depth."

Five of the 17 members of the Project hail from states with purchase of development rights programs. Other members are with groups in Hawaii, Washington, Oregon and Florida, states with statewide planning laws that include farmland preservation elements.

The National Growth Management Leadership Project (NGMLP) was formed in 1989 when 1000 Friends was receiving many requests about its program, Kasowski said. The NGMLP works to help its member groups sponsor conferences in their states, an effort that has produced seven conferences so far.

The Project also functions as a clearinghouse on growth management related issues, and could be the only national land use and planning group operating in an advocacy role, Kasowski said.

"We as a group take positions on particular subjects and then lobby to put them in place," he said. "We hope to be a player in the transportation debate in Congress."

That debate, between mass transit advocates and highway construction interests, is centered on the reauthorization of the Surface Transportation Assistance Act, which directs federal policy and funding for highways, transit and related projects.

The NGMLP serves on the steering committee of a coalition of groups working to link transportation funding to local land use planning. The land use link was incorporated into the Senate bill, authored by Daniel Patrick Moynihan (D - NY).

The Moynihan bill "is not as specific as we'd like," in regards to land use planning, Kasowski said, but includes concepts the Project supports.

Jim Nicholas, director of the University of

Florida Growth Management Studies program said transportation issues are at the heart of growth management and that the NGMLP is hitting the key issue as it advocates more funding for mass transit.

The primary problem, Nicholas said, however, is the price of fuel in the United States. Cheap gasoline, and the advent of the interstate system that complemented it, resulted in a national urban policy by default, by which American cities lost human resources and revenues to suburbs.

"We've drained our central cities until there's nothing left. Then we scratch our heads and say 'How did that happen?'" Nicholas said. Nicholas recalled that during the Nixon administration, when policy leaders proclaimed the nation lacked an urban policy, "Patrick Moynihan said 'We do have an urban policy — it's called the interstate system.'"

In addition to working on the transportation initiative, integration of local planning with state and regional planning is a NGMLP goal, as well as making state and regional conservation organizations key partners in statewide planning initiatives. The Project's priorities include both urban and resource land use issues, including transportation, the cost of sprawl, development design, and land conservation. The project is wooing new member groups in Kentucky, North Carolina and Arkansas.

At a semi-annual conference in June the Project studied the urban growth boundary and greenbelt concepts. Urban growth boundaries, which determine the limits of water and sewer service, have been used in Oregon and Kentucky with varying degrees of success.

Contact: Kevin Kasowski, (503) 223-4396.

Revised zoning enabling law will assist preservation goals

PROVIDENCE, RI — After nearly 15 years of trying, Rhode Island has revised its zoning enabling law.

Revision of the Rhode Island Zoning Enabling Act comes just in time for localities to meet the state's Dec. 31 deadline for comprehensive plans. Cities and towns will then have 18 months to bring zoning ordinances into conformance.

Legislation in 1988 required all localities to

please continue to next page

TDR update

Counties and townships in eastern metropolitan regions continue to explore transfer of development rights as a growth management and farmland preservation technique. Below are updates on some of those reported on in the March issue of *Farmland Preservation Report*.

East Hempfield Twp., Lancaster County, Pa.— Very early stages. Recruiting citizens to serve on a discussion committee. Township just completed its first agricultural security area, protecting nearly 900 acres. *Tom Ernharth, (717) 898-3100.*

Scott County, Kentucky — Has decided to establish TDR outside of its comprehensive plan and zoning rewrite. Presently devising subdivision regulations, then will revise the county zoning ordinance. Before progressing on the TDR, said Beth Stewart, planning director with the Georgetown-Scott County Joint Planning Commission, "we want to analyze more closely how it would work in our market." *Beth Stewart, (502) 863-9811.*

Oley Twp., Berks County, Pa. — Township commissioners have decided to postpone consideration of TDR, to see how it works in other jurisdictions, particularly in Manheim Township, in Lancaster County, said consultant Craig Piefer. The commissioners "are not fully convinced that its the way to go," Piefer said. Commissioners were also anxious to complete their zoning ordinance, and to establish TDR "would have taken another year," he said. *Craig Piefer, (215) 987-4607.*

East Nantmeal, Chester County, Pa. — Working on map and draft ordinance. "It's going very well," said consultant *Ron Agulnick. (215) 431-4500.*

Harford County, Maryland — The planning department is working with a citizen committee to test the political viability of TDR. The county's agricultural district will be a challenge for planners. It is zoned at one unit per 10 acres, and allows additional building rights through the state's most lenient family conveyance provision. *Mike Paone, 838-6000, ext. 103.*

Manheim Twp., Lancaster County, Pa. — Meeting with sending area landowners and builders. The TDR provision will be adopted as an amendment to the township's zoning ordinance. The township hired a consultant to develop architectural design standards for the receiving area. *Jeffrey Butler, (717) 569-6406.*

continued from preceding page

complete comprehensive plans. "Many localities included in their goals the preservation of agriculture and open space, but they couldn't do it because of lack of enabling law," said state planning director Daniel Varin, who has been involved in the revision of the law since first initiated in the 1970's. "We essentially had a 1920's act," he said.

Localities could not establish zoning for preservation purposes because courts interpreted the law to mean localities could only exercise authority as explicitly given by the legislature. Land preservation or conservation was not mentioned in the old law as a function or purpose of zoning.

Now, localities will be able to apply zoning to attain the preservation goals stated in their comprehensive plans, Varin said. Most localities, to some degree, have preservation or growth management objectives the new law will now allow them to implement, Varin said. Some rural localities that are experiencing more intense growth pressures will act quickly to implement already stated preservation objectives, according to Varin.

Providing for orderly growth that recognizes "the need to shape and balance urban and rural development; and the use of innovative development regulations and techniques," is cited in the new law. Ordinances will also be allowed to provide for "the protection of the natural, historic, cultural, and scenic character of the city or town or areas therein," and to "provide for the preservation of agricultural, forest land and open space."

Transfer of development rights within or between zoning districts is specified as an allowed special provision, as well as increased open space and housing choices. Ordinances will also be able to regulate development adjacent to designated scenic highways and waterways.

Varin said the revision begins a new era in land use for Rhode Island.

"I'm hoping communities will use it very imaginatively to manage their growth ... to identify areas for development and to identify areas that should be preserved for agriculture and open space. Now they'll have the opportunity to do that."

Contact: *Dan Varin, (401) 277-1220.*

Publisher's Note

This combined July-August issue counts as one issue in your subscription. We extend best wishes for a pleasant summer to all our readers.

Highway bill puts transportation, land use planning on road to compatibility

WASHINGTON, D.C. — The Senate has approved a transportation bill that would require state departments of transportation to work with metropolitan planning organizations (MPO's) to integrate transportation planning with state and local land use and development plans.

In a progressive realignment of federal transportation policy, urbanized states and rural states will no longer be pitted against each other in a debate over whether more funds should be spent for mass transit or for new highway construction. The new law will allow each state to determine how it will use the bulk of its funds.

Overall, the Senate bill, authored by Democrat Daniel Patrick Moynihan of New York, makes a significant shift in its approach to transportation needs by deemphasizing new highway construction, a change sought by environmental and growth management groups. It not only allocates a lesser percentage of federal share for new highways — from the current 90 percent to 75 percent — but establishes a grant program for development of a magnetic levitation rail system that would use federal-aid highway rights of way as part of a national transportation system.

Metropolitan planning organizations, created under the Highway Act of 1962 to develop coordinated transportation plans in urban areas, will have greater authority to mesh land conservation objectives with transportation planning, and more say in which projects will be targeted.

The Baltimore Regional Council of Governments, which serves as the region's MPO, will be looking more closely at the relationship between land use and transportation, said Jack Anderson, deputy director. "Its one of the strengths of the council," Anderson said of the council's concern for the effects of transportation decisionmaking on land use.

"Over the next couple of years we will be looking at alternative land development and transportation systems to determine impacts on travel, air quality and other concerns," he said. Anderson said the council will be examining local plans for growth as well as for preservation objectives.

General requirements for planning by MPO's under the Senate bill include consideration of "the need to relieve congestion and prevent congestion from occurring where it does not yet occur," and of "the effect of transportation policy decisions on land use and development ..." The bill also requires that MPO's "consider the overall social, economic, and environmental effects of transportation decisions."

The Senate bill would compel local transportation decisionmakers "to look at other modes" before determining the need for a new highway, said Sarah Campbell of the Surface Transportation Policy Project, a coalition of environmental groups that has been lobbying for many of the changes contained in the bill. The bill is "more compatible with a non-sprawl approach," she said.

Don Campbell, staff director for the Senate housing subcommittee

legislative briefs ...

In California ... AB 886 would require local agencies to establish threshold levels beyond which farmland conversion is deemed a significant environmental impact. Once an impact is determined a proponent must propose mitigation measures that could include purchase of easements on adjoining land or providing buffers. Thresholds could be in number of acres converted or based on a jurisdiction's percentage of land base converted. The bill has passed the Assembly and is scheduled to be heard by the Senate Local Government Committee July 10.

In Rhode Island ... A new zoning enabling law was signed by the governor June 19. Cities and towns will have greater legal means to achieve farmland and open space preservation goals.

In Delaware ... Delaware became the 10th state to establish a conservation or farmland easement program June 25, with passage of HB 200, the Delaware Agricultural Lands Preservation Act. The program will be modeled after Maryland's, administered through a foundation and providing a two-step easement acquisition process of owner-initiated districting and easement sale eligibility. The program has been appropriated \$48,000 for start up costs, to be administered through the department of agriculture.

In Maryland ... Harford County passed what could be one of the nation's most far-reaching forest and tree preservation laws, one year ahead of a new state requirement for such a law, with both reforestation and afforestation requirements. It requires 30 percent tree retention in high density (1 or more dwelling units per acre) development projects, 15 percent retention in business and industrial projects, and 50 percent retention in low density or agricultural areas.

In North Carolina ... At press time, the legislature was close to passing a bill to create matching funds to counties establishing farmland

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For copies of bills or information on items in legislative briefs, call the numbers below.

California	(916) 445-9748
Rhode Is.	(401) 277-1220
Delaware	(302) 739-4403
Maryland	(301) 838-6000
N. Carolina	(919) 733-4599
Mass.	(508) 792-7710
Oregon	(503) 373-5000
all others	(301) 692-2708

preservation programs. The fund will qualify the state for loan guarantees and interest rate subsidies under the federal Farms for the Future Act.

In Maine ... A bill calling for a bond issue of \$50 million for the Land for Maine's Future program was being amended at press time. A bill to study farmland development rights agreements was defeated.

In New Jersey ... A \$19 million appropriations request for the farmland preservation program had passed the Assembly and was in the Senate Appropriations Committee at press time.

In Massachusetts ... A state easement program operating budget for FY 92 seems assured, according to Rich Hubbard, however, anticipated cuts could affect personnel, he said. It is still undetermined whether any funds will be allocated for easement acquisition.

In Oregon ... At press time, legislators were still struggling to put together a plan to allow designation and development of "secondary lands" — defined as less productive soils or areas with a pattern of parcelization — within the formerly exclusive farm use zones. The governor is on record as saying she will ask the Land Conservation and Development Commission to proceed with rule making for a secondary lands provision in the state plan. That process will include public review and hearings around the state.

In New York ... A bill that may make the state eligible for Farms for the Future Act assistance was still being modified at press time. No other conservation or land use related bills had been finalized.

In Wisconsin ... Nothing finalized at press time.

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who has been working on the legislation, said MPO's would be required to develop a "comprehensive transportation strategy that looks at land use... they would have to explain the extent to which their plans would affect state and local land use policies," he said. Campbell said the Senate plan would require governors to look at transportation plans with "a clear consideration to land use plans that do exist, which is a clear step forward," Campbell said.

New decisionmaking authority for MPO's will send a message to state transportation officials that ad hoc projects will no longer be sanctioned, said Kristin Pauly, consultant to the Chesapeake Bay Foundation (CBF).

CBF strongly opposes a plan by Virginia and Maryland transportation officials to build a bypass around Washington, D.C. that, CBF says, would result in the conversion of 1.1 million acres of farm and forestland to residential and commercial development.

CBF said in February that the bypass was "conceived of as an ad hoc project that has never been integrated with, and in fact, conflicts with, most local, state, and regional planning — for land use, transportation, air quality, and restoration of the Chesapeake Bay."

A study commissioned by CBF identified 88 conflicts between the bypass proposal and the comprehensive plans of 15 counties through which the highway would pass (*see FPR, Nov. 90*), the types of conflicts the Senate transportation bill would seek to avert.

"Under the new legislation," Pauly said, "ad hoc projects would not have as much chance of popping up and diverting funds," from needed improvements, such as bridge repairs.

Ron Kirby of the Metropolitan Washington Council of Governments said that the Senate bill would put in place a "concurrency" relationship between the COG and the Maryland and Virginia departments of transportation, but that the COG's participation in the outcome of the proposed Washington bypass could depend on the strength of a provision in the bill that urges MPO's to expand their planning areas. That provision would allow the COG to take in counties affected by the proposal, Kirby said.

The House is expected to vote on its version of the bill before August recess.

Contact: Kristin Pauly, (202) 673-4203; Ron Kirby, (202) 962-3310; Don Campbell, (202) 224-9204; Sarah Campbell, (202) 673-4235.

Survey shows 16 percent of land trusts target farmland for acquisition

WASHINGTON, D.C. — Of more than 500 land trusts participating in a recent national survey, 16 percent said farmland is one of their primary types of parcels targeted for local preservation, according to Kathy Barton, associate director of the Land Trust Alliance, the national land trust organization.

About 38 percent of those participating said that farmland would

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Sixteen percent of land trusts consider farmland parcels

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be considered for preservation purposes. The percentages represent little change from the last survey conducted by the Land Trust Alliance two years ago, Barton said. The number of farmland acres preserved through land trusts was not a question posed.

Wildlife and wetlands were cited as priority lands to preserve, with community open space also frequently cited. Forest, farmland, recreation areas, river corridors, trails, historic areas, greenways, coastal areas and islands made up the remainder of parcels described as targeted for preservation.

During the past two years, land trusts nationwide, numbering about 900, preserved through easement, acquisition or other means, about 630,000 acres of wildlife habitat, wetlands, parks, natural areas, recreational and agricultural land, according to the Alliance.

The nation's land trusts have preserved, since their beginnings, about 2.7 million acres, according to the Alliance. Of those holdings, 437,000 acres are owned outright, 450,000 acres are held under easement, 668,000 acres have been transferred to agencies or other organizations, and more than one million acres are protected through other direct means with help of other parties.

More than half of all land trusts are staffed by volunteers. Many have one director or one or more part-time staff. A few have larger staffs, a prominent board of directors and large memberships. Annual budgets range from under

\$10,000 to over \$1 million. About 32 percent operate with budgets of \$100,000 or more, the Alliance said.

The number of land trusts nationally grew from 53 in 1950 to 132 by 1965. That number doubled by 1975 and continued to grow to a total of 889 in 1990.

Contact: Kathy Barton, (202) 785-1410.

resources ...

Publications

• *Planning for Cooperation: Local Government Choices*

By Jack D. Kartez
Washington State University, 60 pp.

Published by the university's Local Government Education program, this report outlines approaches to dispute resolution in states with new growth management laws. Pre-conflict planning and consensus building are the focus. A product of the Renton Growth Strategies Forum held in Washington state in May 1990 that highlighted growth management frameworks in Georgia, Florida, Oregon and California. Call Michele Beckmann at (509) 335-7425.

• *Balanced Growth: A Planning Guide for Local Government*

John M. DeGrove, Ed.
International City Management Association,
160 pp. \$21.95 1991

This is actually a collection of short and easy-to-read articles published in various magazines and newsletters over the last three years. It serves as a good reference point for the latest thinking and experiences out in the field. Articles include Fifteen Ways to Make Growth Management Work; Balancing Growth and Conservation; Techniques for Discouraging Sprawl; Growth Management through Land Acquisition; Financing Alternatives; Writing a Defensible Growth Ordinance; Call ICMA (202) 962-3620.

• *Farming on the Fringe: Saving Family Farms in Marin County, Ca.*

By John Hart
University of California Press, Berkeley, \$19.95

Chronicles the struggles of the dairy industry to survive in the San Francisco area in troubling times, with drought, falling milk prices and development squabbles in the 1960's and 70's. Discusses the political climate that fostered a 60-acre minimum lot size zoning and the establishment of the highly successful Marin Agricultural Land Trust. This is a story that should continue to inspire farmland preservation efforts across the

country. Excellent black and white photos. Profiles area farmers. Contact the University of California Press at (415) 642-4247.

Conferences

July 31 - Aug. 2: Lincoln, Nebraska, "Sustainable Communities: Great Places — Great Plans" sponsored in part by the Nebraska Chapter of the American Planning Association and Western Planning Resources, Inc. Concurrent sessions on the environmental, economic and cultural aspects of sustainable communities feature workshops including: Community Design for a Sustainable Future; River Planning and Management; Growth Management in Washington; Educating Communities About Strategic Planning for Local Economic Development; The Future of the West and the New Federal Highway Program; Thriving Hometowns Network; The Role of Economic Development in Rural Planning. Registration before July 12: \$145. Contact: Joseph Luther (402) 472-3592.

August 4 - 7, Lexington, KY "Living with the Land, the annual meeting of the Soil and Water Conservation Society. Speakers include Wendell Berry, Lester Brown, William Richardson, Nina Leopold-Bradley. Workshops and panel discussions include Growth Management: State of the Art; Encouraging Change Through Information; Food Security Act Implementation; Rural Landscape Revitalization; Information Management for Conservation Policymaking; Living with the Land: The Human Dimension. For registration and conference information call (515) 289-1227.

September 21 - 25, Waterville Valley, N.H. "Rally 91: The Power of Partnerships" sponsored by the Land Trust Alliance and hosted by the Society for the Protection of New Hampshire Forests. Workshops on land protection, effective organization and program management, fundraising and others. Field trips to view work of land trusts in the region, exhibits, video showings. This year's theme reflects the many ways land trusts work with government agencies, conservation organizations and other groups to meet common objectives. Contact the Land Trust Alliance, (202) 785-1410 or by writing LTA, 900 17th St. NW, Suite 410, Washington, D.C. 20006-2596.

Conservation Award Nominations

The American Farmland Trust is seeking nominations for its eighth annual Agricultural Conservation Awards. The awards honor individuals and organizations nationwide who have made outstanding contributions to the protection of agricultural resources.

Awards are presented on three levels — federal, state and local — and in four categories: Public Policy and Program Development, Public Education, Model Land Protection Projects, and Corporate Achievement.

For information on how to submit nominations, call the AFT at (202) 659-5170. Nominations are due by August 1.

farmland preservation report

... covering the policies, practices and initiatives that promote farmland and open space retention

Virginia legislators explore growth management options

RICHMOND, VA — A joint subcommittee of the Virginia legislature is exploring growth management techniques and statewide comprehensive planning in a continuing effort to enable localities to develop more effective land use plans.

Enabling legislation for transfer of development rights has been considered several times over the past six years by the Virginia legislature. Last year a TDR enabling bill failed by just three votes.

This summer the committee will examine TDR again, as well as adequate public facilities ordinances, impact fees, builder agreements and statewide planning approaches, according to Del. Leslie Byrne, who chairs the Joint Subcommittee on Growth Management Tools.

"I think because TDR was narrowly defeated, we are going to bring it back with modifications," she said. Byrne believes statewide comprehensive planning is a viable option for Virginia, despite the repeated failure of TDR enabling bills.

"A number of states have statewide comprehensive planning. It's a context for growth management tools, the umbrella under which they would

fit," Byrne said. Byrne believes the TDR bill failed because of its complexity. "There were a lot of people who voted against [TDR] because they didn't understand it. It's hard to explain density transfers to those who don't have zoning," Byrne said, referring to counties without zoning ordinances.

Roy Hoagland of the Chesapeake Bay Foundation and a member of the subcommittee, said the TDR bill failed to gather sufficient votes, but "was successful in being elevated to an issue that was worth consideration. I think that's a big step." Hoagland believes TDR failed because of "conceptual opposition rather than the bill itself. It was hammered out over a long time. It was a fair document. It had balance built into it."

Edward Byrne, representing Northern Virginia homebuilders on the subcommittee, however, said opposition from developers was technical in nature. Developers, he said, disagreed with how the bill would have designated development

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Oregon set to loosen hold on exclusive farm use zones

SALEM, OR — Several proposals to allow Oregon counties to relax restrictions on new home construction and allow a greater variety of uses on agricultural lands they designate as "secondary" are under consideration by the legislature. The Land Conservation and Development Commission (LCDC) adopted its own recommendations for designating and zoning secondary lands in March. The commission is responsible for the statewide planning program.

1000 Friends of Oregon opposed the LCDC plan, calling it "the beginning of the end" for Oregon's state land use planning, looked to as a model nationwide. The group criticized the commission's proposal to authorize local technical

committees to determine what lands are secondary.

The group is unhappy with other proposals in the legislature. "We are quite concerned that most

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Oregon legislature may ease restrictions on farmland use

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of the pending secondary lands proposals are so liberally defined that they will result in large chunks of productive land being designated secondary," said Kevin Kasowski, 1000 Friend's director of public education.

In 1983, the state began allowing non-farm uses on "marginal or secondary lands." The state language however, made it difficult for counties to identify secondary lands. The "secondary lands proposal" has been in the making since 1985, when the Oregon legislature directed the Land Conservation and Development Commission to develop rules for identifying lands of secondary importance to agriculture, and to specify allowed uses.

"The principal objective was to relieve some of the conservation provisions that apply to less productive lands. There has been no attempt to delineate differences in farmland productivity. It's almost an equity issue," Rohse said.

Under the commission proposal, a county would decide which lands to designate as secondary and create a map to submit to the Department of Land Conservation and Development. After approval, the county would use department criteria for analyzing selected areas for cropland, forestland or rangeland to determine which areas are too productive to be designated as secondary.

Next a "composite analysis" would screen hazardous building sites, critical fire hazard areas, and blocks of less than 320 acres (the state's largest minimum lot size) that are surrounded by tracts of productive farm or forest land. Last, the county would create maps and planning and zoning following state criteria.

Since 1973, Oregon has had a comprehensive statewide planning and growth management program that includes strong farmland protection elements. Exclusive farm use zones are complemented by urban growth boundaries. Lands designated for exclusive protection include soil classes I-VI east of the Cascade mountains and lands that are predominately classes I-IV, west of the Cascades. "Other lands" have been designated as part of the exclusive farm use zones to support farming practices and control nearby non-farm uses. The state regulations have been upheld by referendum three times since enactment.

However, counties have been approving building permits within designated exclusive farm use zones much more easily than may be acceptable based on the state's farmland protection policies.

A 1989 study by the Land Conservation and Development Commission found that approval of non-farm partitions and non-farm dwellings was increasing throughout the exclusive farm use zones. Numbers reported by the Department of Land Conservation and Development late last year confirmed continued increases in dwelling and partition approvals between 1987 and 1989. Non-farm partitions, which allow up to three dwellings, showed an increase of 85 percent in that period.

Rohse said that increased dwelling permits in exclusive farm use zones was one of the factors behind the secondary lands proposal.

"That was a factor, but certainly not the largest factor. We've been hearing from conservation and development interests about the need for secondary lands. Conservation interests felt it would be desirable to loosen up secondary lands and tighten up [restrictions on] primary lands," Rohse said.

Whether a tightening up of restrictions will actually mean fewer new homes in exclusive farm use zones isn't clear, he said.

Russ Nebon, lobbyist for the Association of Oregon Counties and chief planner for Marion County, contends that the state planning system may not be in need of restructuring, but that disagreement over how well the state plan is protecting agriculture and open space needs to be resolved. "Many results show the current system isn't working as badly as some have contended," he said. Conservation interest groups simply want more restrictions on uses on primary lands, he said.

"The LCDC package is a balance with some trade-offs. Two or three counties want more flexibility, but most counties can live with the LCDC proposal," Nebon said. "Everybody would like to resolve this issue."

A study slated for completion this month will help determine the effectiveness — or ineffectiveness — of restrictions within the exclusive farm use zones, Rohse said. That study, conducted by the Department of Land Conservation and Development, will attempt to determine whether the number of new homes in the exclusive farm use zones is acceptable, and if not, how administration or policy should be changed.

Contact: Mitch Rohse, (503) 373-0050; Russ Nebon, (503) 588-5038; Kevin Kasowski, (503) 223-4396.

Virginia legislators explore growth management tools

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rights in the sending area. "We had an overriding concern about equity. The way the bill was drafted, it wasn't voluntary except on the receiving side. We thought the sending areas should be voluntary as well."

In addition, Byrne said, the development community disagreed with how the proposed TDR would be operated. "The local governments could each set up their own way of determining how many development rights a property would have," he said. A formula based on acreage was preferred by developers, he said.

Byrne said although developers generally have objections to impact fees and other growth management strategies, "we're not there to object, we just think there needs to be a rational system."

While subcommittee chairperson Leslie Byrne looks to a statewide planning strategy to serve as a framework for growth management tools, the commission mandated to formulate that strategy has not decided exactly what role it will take in relation to the subcommittee's work.

Taylor Murphy, chairman of the Commission on Population Growth, said that is a question for the full commission and its advisory council, made up of members from the governor's cabinet. Murphy said the commission could continue its work without recommendations for the next legislative session. If it does make recommendations, they could be comprehensive or interim, he said.

Murphy said he believes statewide planning can work in Virginia. The job of the commission, he said, "is to convince people the state has a role," in planning.

The commission has been studying how other states, such as Oregon, New Jersey, Georgia and Florida, have established statewide planning, according to Katherine Imhoff, executive director. "We feel we have decided what the strategies are, but should [local] power be tied to meeting certain criteria," such as in New Jersey, is a question to be answered, Imhoff said.

The commission was set up in 1989 as a result of the Chesapeake Bay Agreement, in which the governors of Maryland, Pennsylvania and Virginia committed to a regional evaluation of the impact of growth on the Bay area.

One conclusion of that evaluation was that

development should take place in concentrated areas and that in rural areas growth should be directed to existing population centers.

Farmland protection policy in Virginia has been limited to use value assessments, conventional planning and zoning, an agricultural and forrestal districts program and the Farmland Preservation Act, which directs six state agencies, including the department of transportation, to consider impacts on farmland in project planning and to encourage preservation of important farmlands.

Implementation of the act, however, has been nearly nonexistent, according to Mark Tubbs, director of policy analysis and development for the Virginia Department of Agriculture and Consumer Services.

Implementation is being evaluated by the Council on the Environment, the agency that reviews impacts of federal and state projects and coordinates the state's Chesapeake Bay Program. *Contact: Kat Imhoff, (804) 371-4949; Mark Tubbs, (804) 786-3539.*

Agencies reviewed for compliance under Va. farmland preservation law

RICHMOND, VA — Six state agencies' plans for implementing policies that preserve important farmlands are the subject of a comprehensive report by the Council on the Environment, the agency charged with monitoring implementation of the state Farmland Preservation Act.

The departments of transportation, health, conservation and recreation and air pollution control, as well as the State Water Control Board and the State Corporation Commission were advised in January to submit their existing plans to the Council, according to special projects coordinator David Kinsey.

The 1981 law requires the agencies to consider alternatives to farmland conversion in project planning.

Some of the plans submitted were outdated and rejected by the agency, Kinsey said.

A council review was initiated to revise the plans and to consider recommending new legislation that will improve the state's protection of important farmland, according to a memorandum to the six affected agencies from council administrator Keith Buttleman. The review is slated for completion this summer.

The agencies are required to have plans "to mitigate the effects on important farmland, and are required to use those plans in construction and land acquisition and to annually assess their compliance," Kinsey said.

Recommendations for improving farmland preservation efforts will be brought before the council's farmland preservation subcommittee at its fall meeting in October, Kinsey said.

Contact: David Kinsey, (804) 786-4500.

Do forest protection laws put more homes on open land?

ANNAPOLIS, MD — A new tree and forest preservation law in Maryland has conservationists and homebuilders uncertain about its implications and whether it will result in more homes being placed on prime, tillable land in the state.

Senate Bill 224 will require that tracts within agricultural, resource, and medium density residential areas having less than 20 percent forest cover must be planted in trees to achieve that percentage. All other land use categories must attain a 15 percent tree coverage within the net tract area. Afforestation must be completed within one year or two growing seasons after project completion.

In addition to afforestation requirements, each land use category requires a certain percentage of trees removed during construction to be replaced. Percentages range from 15 percent in mixed use and planned unit development areas, to 50 percent in agricultural and resource areas.

The law requires all counties to adopt tree protection ordinances equal to or more stringent than the state bill by April 30, 1992.

Those who worked on development of the bill differ in opinions on whether the new law will result in more homes being placed on open tracts.

"One of the purposes of the bill was to not do that," said Bob Kaufman of Michael T. Rose Companies of Laurel, Maryland, who served on the reforestation committee that helped draft the bill.

"We wanted to not create a value difference between forested land and open land," he said. Kaufman said the bill should not result in a substantial difference in how new homes are placed on a site or how sites are chosen.

Kaufman said since the bill provides for both reforestation and afforestation, a balance in the use of open and forested land should result.

Lonnie Darr, an environmental planner with the Maryland - National Capital Parks and Planning Commission, who also helped develop the bill, feels differently about its potential results. "The way the state bill is set up ... there's going to be a tendency for planners to place homes in the field areas" of parcels, Darr said. "There will be a tendency for developers to seek out cleared land."

A number of developers and planners interviewed differed in their assessments of the law.

Tree ordinances at the local level have become commonplace in some states over the past decade. In New Jersey, they have proliferated at the town-

ship level. There, tree ordinances typically establish a permit process with fixed fees or reimbursement requirements for technical assistance. While retention of trees may be affected through the permitting process, reforestation or afforestation are generally not required.

Typically, tree removal permits in New Jersey are granted based on field evaluation of potential adverse impacts such as alteration of ground or surface water characteristics, soil erosion, increase in air or noise pollution, a significant alteration of a buffer between existing or proposed buildings on contiguous lots, or effects on the physical or aesthetic value of a property.

The potential for increased development on tillable land may or may not be discussed prior to adoption, planners say.

Ordinances are often established after one well-publicized incident of clear-cutting that creates a public outcry, according to local planners.

The Association of New Jersey Environmental Commissions (ANJEC) receives regular requests for samples of tree protection ordinances.

"It's the biggest call for ordinances we have," said Mary Louise Blanchard, assistant director. Blanchard said local governments typically act when developers are found to be clear-cutting indiscriminately when developing large tracts. "It's easier for them to tear down and then replant than to keep existing trees," she said.

Even the city of Newark prohibits removal of any trees without replacement of equal size trees or contribution to a tree fund, she said.

Amanda Jones Gottsegen, a land use planner for Burlington County, New Jersey, said a township there adopted a tree removal ordinance in 1988 that does not address how land development will be affected. Although that ordinance "does not specifically mention its impact on permitted residential density, clustering is permitted under the cluster provision of their land use ordinance," she said, adding that increased densities on open farmland could be a result.

One township requires that cluster and planned unit developments "consider the use of treeless areas if possible for building sites."

In Maryland, county officials complying with the new state law will have to decide whether their tree

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Status of state conservation and farmland easement programs

State	Status	Contacts
Maine	No funds currently for purchase of development rights. Legislation calling for a \$50 million bond issue to fund the Lands for Maine's Future program has been introduced.	Bill Seekins, Director Bureau of Agricultural and Rural Resources (207) 289-3511
NH	No funds for the farmland preservation program.	Will Abbott (603) 271-2326
Vermont	The Vermont Housing and Conservation Board has been funded through bonds and a property transfer tax at \$6.5 million. The board purchases conservation easements on farmland.	Gus Seelig, Executive Director Vermont Housing & Conservation Board (802) 828-3250
Mass	No easement funds. Operating budget in Senate Ways & Means.	Rich Hubbard, Program Manager (508) 782-7710
Conn	Acquisition of lands and easements is frozen.	George Malla, (203) 739-3227
Rhode Is	A bond issue of \$2 million was approved last year, but has not been allocated. All money outstanding has been used.	Ken Ayers (401) 277-2781
NJ	The PDR program has requested an appropriation of \$19 million from bond funds. It would allow the purchase of easements on about 55 farms when coupled with county and cost-sharing funds.	Don Applegate, Executive Director State Agriculture Development Committee (609) 984-2504
Penn	Currently purchasing easements with continued bond funding.	Fred Wertz, (717) 783-3167
MD	Yet another budget cutting session May 21 took all remaining funds from the open space program's FY 91 budget, which partially funds the PDR program. Just \$7 million has been budgeted for FY 92. The program had a FY 90 fund balance of more than \$34 million.	Paul Scheidt, Executive Director Agricultural Land Preservation Foundation (301) 841-5860

State Budgets

Recession continues to grip farmland preservation efforts

The recession continues to cut deeply into state revenues, and farmland preservation programs are feeling the full tilt of deficit reduction measures.

New England, the region most hurt by the recession, also holds most of the nation's purchase of development rights programs. Most have been severely cut, with no money for easement acquisition and little money even for operating budgets.

In Massachusetts, some money remains for monitoring of easements and enforcement, but \$5 million in bond monies for acquisitions has not been released. "At this point there's no threat of the program disappearing, but that could change. Things are so volatile here right now," said Rich Hubbard, program manager for the Agricultural Preservation Restriction Program, the state's PDR program. Hubbard said it was possible that the program itself could be eliminated, but he is "relatively optimistic."

Maine and New Hampshire have no money in their PDR programs.

In Connecticut, a flood of applications continue to come in to the department of agriculture, particularly from dairy farms hurting from falling milk prices, but there is no money for easements. George

Malia, program administrator, keeps busy with closing last year's offers.

In Rhode Island, "all money outstanding has been used," said Ken Ayers. "The commission didn't even meet last month," he said. All program activities are on hold until new bond money is issued from a \$2 million bond for farmland preservation approved by voters last year. Ayers said the farms that would benefit from the bond issue have been selected, and three times as many have applied to the program.

Vermont's outlook for farmland preservation is a bit brighter, with the Vermont Housing and Conservation Board set for a total allocation of \$6.2 million. In 1991 about 53 percent of the board's budget, roughly \$3 million, was spent on conservation projects. But this year "I imagine that will reverse," said Gus Seelig, executive director. The board has been asked, he said, "to lean more heavily toward housing," meaning the board "will spend more on housing, less on conservation."

An attempt was made in the legislature to eliminate the conservation portion of the board's budget, according to Bob Wagner, director of the American

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Put preservation tools in place during growth slow-down, study says

RALEIGH, NC — A university study has urged Wake County, North Carolina to act quickly to put open space and farmland preservation tools in place while real estate activity is slow.

A transfer of development rights program and support for the county's existing purchase of development rights program through private funding as well as through a local land transfer tax should be explored, according to the department of city and regional planning at the University of North Carolina, Chapel Hill.

A TDR program for Wake County would involve cooperation between the county and its 12 municipalities, an endeavor that would take time and patience, according to county planner Paul Kron. "I think it may work, but we have to take a long-term approach," Kron said, adding that the difficulties in working with perimunicipal areas and extraterritorial jurisdictions could make establishment of TDR a political mind boggler.

The study advises Wake County to downzone prime agricultural areas and grant development rights based on "reasonable expectations" of farming the land plus a reasonable credit for development potential. Development potential should be assessed on a site based on availability of infrastructure and presence of sensitive areas such as wetlands and steep slopes, the study says. It also recommends a standard starting point, such as one right per five acres, as in Montgomery County, Maryland.

The county commissioners have expressed interest in TDR, according to Rick Bailey, administrator of the Wake County Soil and Water Conservation District, who will be helping to devise the TDR program. "Luckily, development has stagnated. We'll probably have some catch-up time," Bailey said.

Wake County established a purchase of development rights program in 1989, but with only a \$25,000 allocation, the program has been unable to operate. The UNC study recommends the county explore private funding from tobacco and chemical companies such as Dow Chemical and R.J. Reynolds, which may be receptive to contributing to a farmland preservation fund. Tobacco and other farming is still a \$50-million-a-year industry in Wake County despite farmland losses.

Bailey, whose office would administer the purchase of development rights program, said such contributions could present conflicts for future conservation programs that would encourage low-input or other sustainable agriculture methods.

"I guess that is a concern that could be raised. I can see where there would be potential for a philosophical problem. But there will always be a need for some level of chemical input," he said.

In addition to the possibility of private funding, the UNC study recommended the county explore a dedicated real estate transfer tax for farmland preservation.

The percentage of the county's land mass in farming decreased from 52.9 percent in 1959 to 23.3 percent in 1987.

Contact: Paul Kron, (919) 856-6310; Rick Bailey, (919) 250-1056.

legislative briefs ...

In Delaware ... SB 200, a bill developed by the state grange, would establish a purchase of development rights program, modeled largely after Maryland's two-tier approach — the creation of districts and the eligibility to sell easements — with a start-up budget of \$48,000. The program would also provide property tax credits on unimproved land, a 10 percent tax credit for best management practices, and a nuisance protection provision that requires developers to notify new rural homeowners about farming practices and the right to farm law. The bill would also exempt farmers from the real estate transfer tax between agricultural uses. The Department of Natural Resources is seeking changes to the bill that will provide a link with the use value assessment program, and give the state a greater role in district creation.

In Maryland ... Yet another state deficit reduction move — the fourth this year — has resulted in the elimination of FY 91 funds for Program Open Space, which partially funds the farmland preservation program.

In Oregon ... Several bills that aim to adopt a secondary lands category for statewide planning regulations are under consideration. The bills are based on a proposal by the Land Conservation and Development Commission (see story this issue).

In Vermont ... The Vermont Housing and Conservation Board has a total allocation of \$6.5 million in new bond funding, with other sources bringing that up to \$7.2 million. The board will likely spend more on housing in fiscal '92 than on conservation, according to Gus Seelig, executive director. The board spent about \$3 million on farmland conservation in 1991, he said.

In North Carolina ... SB 733, which would create a farmland preservation fund, has moved from the Senate Agriculture Committee to the Finance Committee. Creation of the fund would qualify the state for participation under the federal Farms for the

For copies of bills or information on items in legislative briefs, call the numbers below.

Delaware	(302) 739-4403
Maryland	(301) 841-5860
Oregon	(503) 373-0050
Vermont	(802) 828-3250
N. Carolina	(919) 733-3460
Illinois	(217) 782-6297
California	(916) 445-9748
Virginia	(804) 786-0949
New Jersey	(609) 984-2504

Future Act.

In Illinois ... Legislation that would amend the Farmland Preservation Act to disqualify farmland parcels within municipalities as well as parcels "intended for residential uses" has been postponed from further consideration, according to Steve Chard, chief of the Bureau of Farmland Preservation in the state department of agriculture.

In California ... Struggling with a \$15 million deficit, budget cuts may include the decrease or elimination of Williamson Act subventions — subsidies to counties participating in the Williamson Act program, which provides reduced property taxes to farmers who commit to 10 years in farming.

In Virginia ... Gov. L. Douglas Wilder has said he will ask next year's legislature to explore the feasibility of modifying the Dillon Rule, which enables localities to take actions only as explicitly allowed by the state code and interpreted by the courts. The Dillon Rule has been cited by some local governments as making them unable to manage growth effectively.

The Joint Subcommittee on Growth Management Tools will study impact fees, adequate public facilities ordinances, builder agreements, and statewide comprehensive planning in preparation for next year's legislature.

In New Jersey ... Two appropriations bills are awaiting action. A \$19 million appropriation for farmland preservation has been requested as the first drawdown from a \$50 million 1989 bond issue. The program has been operating on a \$50 million bond issue from 1981.

S.E. Michigan townships allocated too much land for growth, report says

DETROIT, MI — A regional initiative to forecast and mitigate the effects of sprawl in southeastern Michigan has concluded that zoning by townships is contributing to sprawl by allocating excessive amounts of land for residential and commercial uses.

The Regional Development Initiative of the Southeast Michigan Council of Governments (SEMCOG) is meeting monthly, citing a vital need for regional cooperation to curb sprawl and a danger to the region if home rule planning and zoning continues without regard to areawide trends and needs.

Urbanization will continue to take greater amounts of land than the rate of population growth would warrant, a SEMCOG report, "Business as Usual," concluded. Land use plans presently provide enough housing and service capacity for 9 million people even though population projections do not exceed 5 million for the next 20 years, the report says.

The report explores emerging patterns in public affairs if development continues to occur at its present rate and pattern. Urbanization, the report says, will continue to take more productive farmland, but at lesser rates than in the 1970's and 1980's.

While the SEMCOG report projects that the rate of farmland loss will decrease, it projects that sprawl will continue — findings that are not contradictory, according to Jack Driker, director of the Oakland County Department of Community and Economic Development. "There's a lot of land already taken out of production that's sitting idle," he said.

Also, Driker said, the SEMCOG study categorizes five to 20-acre parcels as vacant land, unless it is actively farmed. Actively farmed land was differentiated using aerial photography.

Oakland County, which takes in Detroit's northwestern suburbs with a population of over a million, recently urged its 61 local jurisdictions to build a consensus for strategies to manage growth as a cooperative effort, a move not seen in 20 years, according to Driker. In the early 1970's the county attempted to form a county plan, but it didn't get too far, he said.

"We're revisiting that with a different strategy," Driker said, and county officials will have more support from the public this time. Urban sprawl and the problems of uncontrolled growth have become a vital political issue. Township officials come to the table with more commitment, according to Driker, because "we're dealing with a more sophisticated public now."

"So far it's been generally positive. We're emphasizing the recognition that in Michigan [planning and zoning] is a home rule function. Our role will be more in the area of establishing a common vision. Taking that posture has satisfied township officials," Driker said.

The SEMCOG study and workshops will continue through October when adoption or amendments to the report will be discussed at the SEMCOG general assembly.

Contact: Jack Driker, (313) 858-0278; SEMCOG, (313) 961-4266.

Budget cuts keep some programs at a standstill

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Farmland Trust, northeast office.

Both Pennsylvania and New Jersey farmland preservation programs are faring better than their New England counterparts. The New Jersey program has requested a \$19 million appropriation from a 1989 bond issue, and Pennsylvania continues to sell bonds and purchase easements, in spite of a different financial position, said Fred Wertz, program director.

Nine farms are currently recommended for easement purchase in the Pennsylvania program. "I fully expect them all to be approved," Wertz said. "I haven't been told to slow down," he said, although one position was eliminated in February.

The Maryland program, on the other hand, has been nearly as hard hit as the New England programs. Yet another deficit reduction action May 21 — the fourth in this budget year — resulted in the elimination of funds for Program Open Space, the state's parkland acquisition program, which partially funds farmland preservation. Implications of the most recent cut for the easement program could not be determined at press time. The farmland preservation program is still slated for a \$7 million allocation for fiscal year 1992. The program had a FY 1990 fund balance of more than \$34 million.

Farmland retention could clash with tree protection laws

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ordinances will sufficiently prevent prime tillable land from becoming even more attractive to developers compared to forested or partially forested tracts.

For example, subdivision clustering options coupled with tree replace-

ment requirements could encourage placement of homes on open, tillable parts of a tract instead of in wooded areas. That's an effect that would conflict with preservation policies of some localities that encourage retention of farming operations and less noticeable development.

Hamer Campbell of the Suburban Maryland Building Industry Association, who attended hearings and provided testimony on the state tree bill, said the tree protection legislation "has to be taken in context of the state planning bill," called the "2020 bill," that was deferred for further study this past legislative session.

The 2020 bill would have created statewide planning and zoning criteria, and would have resulted in downzoning in many agricultural areas to one unit per 20 acres.

In that light, Campbell said, the question of whether prime agricultural land will be threatened by the tree bill may also have to be deferred. If passed next year, he said, "the 2020 bill may make the point moot."

resources ...

Publications

• *Farming on the Fringe: Saving Family Farms in Marin County, Ca.*
By John Hart
University of California Press, Berkeley, \$19.95

Chronicles the struggles of the dairy industry to survive in the San Francisco area in troubling times, with drought, falling milk prices and development squabbles. The results of that struggle — 60-acre minimum lot size zoning and the establishment of the Marin Agricultural Land Trust — have inspired farmland preservation efforts across the country. Contact the University of California Press at (415) 642-4247.

• *Report of the 1990 House Select Committee on Land Use and Growth Management: Hearings, Testimony and Findings*
Pennsylvania House of Representatives
May 1991, 33 pp.

The Select Committee was created to examine land use and growth management issues last year. The report summarizes testimony given the committee at its five public hearings around the state. The report does not contain recommendations, but "expressions of issues" identified by the

committee, including the topic of statewide planning and measures to improve farmland preservation.

Conferences

August 4 - 7, Lexington, KY "Living with the Land, the annual meeting of the Soil and Water Conservation Society. Speakers include Wendell Berry, Lester Brown, William Richardson, Nina Leopold-Bradley. Workshops and panel discussions include Growth Management: State of the Art; Encouraging Change Through Information; Food Security Act Implementation; Rural Landscape Revitalization; Information Management for Conservation Policymaking; Living with the Land: The Human Dimension. For registration and conference information call (515) 289-1227.

September 21 - 25, Waterville Valley, N.H. "Rally 91: The Power of Partnerships" sponsored by the Land Trust Alliance and hosted by the Society for the Protection of New Hampshire Forests. Workshops on land protection, effective organization and program management, fundraising and others. Field trips to view work of land trusts in the region, exhibits, video showings. This year's theme reflects the many ways land trusts work with government agencies, conservation organizations and other groups to meet common objectives. Registration brochures available this month from the Land Trust Alliance, (202) 785-1410 or by writing LTA, 900 17th St. NW, Suite 410, Washington, D.C. 20006-2596.

Conservation Award Nominations

The American Farmland Trust is seeking nominations for its eighth annual Agricultural Conservation Awards. The awards honor individuals and organizations nationwide who have made outstanding contributions to the protection of agricultural resources.

Awards are presented on three levels — federal, state and local — and in four categories: Public Policy and Program Development, Public Education, Model Land Protection Projects, and Corporate Achievement.

For information on how to submit nominations, call the AFT at (202) 659-5170. Nominations are due by August 1.

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Agricultural zoning in Maryland offers developer options

New agricultural zoning regulations in four Maryland counties seem to indicate greater acceptance of residential development within agricultural zones and questionable protection for agriculture, according to agricultural zoning experts.

The counties, on Maryland's eastern shore, have rewritten zoning ordinances to encourage cluster development in agricultural zones and discourage large-lot based or scattered development. Exclusive agricultural zoning, in which residential uses would be prohibited or conditional, was not seriously considered in any of the counties, even though each is relatively undeveloped — up to 70 percent of their land areas still in agriculture. Large land areas in current agricultural use, experts say, would make conditions for exclusive ag zoning, in terms of strength of the agricultural economy, optimum.

But use of exclusive agricultural zoning other than in Oregon where exclusive use zones are part of the state farmland protection program, is rare. The number of exclusive ag zones nationwide is unknown but believed by experts to be fewer than

50. Fear of political fallout over equity stymies the idea of exclusive agricultural zoning before it reaches public airing, planners say.

In the new Maryland ordinances, equity for individual landowners is emphasized over protection of agriculture as an industry or economy. While densities were lowered overall, the zoning changes show a commitment to mixing residential and agricultural uses and an emphasis on open space and cluster design standards that make new homes "fit" into the rural landscape.

In 1989 Kent County, Maryland, incorporated open space preservation techniques by designing an "enclave" option for residential development in its agricultural district. Along with two other options, it is "meant to give the landowner flexibility in design and density while still conserving productive farmland," the ordinance states.

The enclave option requires clustering of a maximum of 10 homes on lots of 1/2 to two acres "that appear as a group of farm structures from

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New direction for growth management slated for California

SACRAMENTO, CA — A new governor and appointees who carry fresh ideas to land conservation are creating a renaissance for growth management and land use in California, according to observers in and outside state government.

Gov. Pete Wilson's creation of an interagency Growth Management Council and the work of a coalition of organizations with growth management interests has put many conservation and growth management initiatives, both legislative and administrative, at a virtual standstill until the Growth Management Council acts next January.

A coalition of organizations including the state chamber of commerce, the League of Cities, the Sierra Club, the County Supervisors Association of

California and the state's building industry association have recommended an entire slate of growth and farmland preservation related bills in the legislature be delayed until the coalition — the Growth Management Consensus Project —

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New ag zoning provides equity through developer options

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roadways," according to county planner Denis Superczynski. Lot sites must "minimize the use of tillable soils for development and maximize the use of sloped and forested areas, which are otherwise less productive for agricultural uses."

The purpose of the enclave, says the ordinance design standards, is to minimize the loss of productive agricultural land; maintain the visual quality of the county's agricultural landscape; and reduce the cost of site, street, and utility construction.

Kent County was not experiencing growth problems when it adopted its new zoning. Its schools, unlike most systems in Maryland, were under capacity and although its landfills were at capacity, a new one was slated to open. But a growing concern about rural character prompted the planning commission to study design possibilities that would make development less invasive.

The open space preservation technique was incorporated into the agricultural zone design standards in the enclave option, said Gail Owings, Kent County planning director. Owings concedes that what the county adopted was development techniques rather than farmland preservation techniques, but further downzoning or exclusive ag zoning was too difficult politically, she said.

To offset expected conflicts, the planning department prepared a pamphlet about farming activities to distribute to new rural residents. It was well accepted, she said.

Talbot County, Maryland, which is adopting its new ordinance effective in June, briefly considered an exclusive agricultural zone, "but it would not have been politically acceptable," said county planner Barry Griffith. The county leaders were concerned about rural conservation and equity, he said. Discussion of exclusive agricultural zoning did not reach the public forum stage, Griffith said.

Talbot County used an intrazone TDR element borrowed from adjacent Caroline County, and a clustering model based on the Kent County enclave, as well as design standards from adjacent Queen Anne's County. Each of the counties has amended its zoning within the past three years.

To protect county coffers from extending services to rural areas, Kent County used language from nearby Caroline County's ordinance, stating that limited or low density residential development is allowed in the agricultural or rural districts "for

those who are willing to live in more remote locations and to assume the costs of providing many of their own services and amenities."

Griffith said Talbot County's goal was to preserve open space and character, and felt farmland preservation would result. "We think [the new ordinance] is going to save a great deal of open space and hopefully it will be tillable, he said. "While we do see some subdivision, we try to remain ahead of the game. We still see a strong farming community."

Some feel however that while saving farmland saves open space, the opposite — saving open space saves farmland — is not necessarily true. Individual farms don't operate in a vacuum but make up an economy that must be large enough to sustain the businesses that serve it.

James D. Riggle, director of operations for the American Farmland Trust, estimates there are between 500 and 600 counties nationwide with ag zones in their zoning ordinances and some language in a plan that supports the ordinance. However, their effectiveness varies, he said.

"In my experience the problem is that the vast majority have little to do with agriculture. What you're looking at is a low-density residential zone masquerading as an ag zone," Riggle said. "An ag zone needs to be a place where farming can occur without disruption from non-farm uses."

William Toner, a professor at Governors' State University in Illinois and author of a report on agricultural zoning for the 1981 National Agricultural Lands Study, says exclusive ag zoning is difficult to create equitably because of geography and demographic patterns. In some areas, soil classes vary even on the same parcel, making residential use justifiable at least based on soil class.

Existing development patterns may also make an exclusive use politically unfeasible, Toner said.

Toner, who is preparing a new study on the use of ag zoning nationwide, said its use is increasing, and ag zones in existence are being strengthened. In the mid-1980's, Toner said, "there were signs that jurisdictions nationwide were adopting serious ag zoning for the first time, for the express purpose of maintaining agricultural operations in long-term ag use," he said.

Agricultural areas have traditionally been "depositories for what every other zone didn't want," Toner said. But by the mid-1980's it had

continued from preceding page

become the norm in agricultural zoning to recognize and protect farming as an industry and desirable use. "The standards are becoming more rigorous. They're not loosening, they're tightening."

Because of Maryland's population, however, Toner isn't surprised that some Maryland counties are embracing open space or cluster development in the hope of making residential and agricultural uses more compatible. "In the eastern states, population densities are much higher, so zoning is more difficult to use and the pattern of development is spread out, so they're not working from the same baseline," as midwestern states, Toner said.

In 1981, the National Agricultural Lands Study found that in non-exclusive agricultural zoning, large-lot requirements were the most prevalent technique used. Minimum lot sizes ranged from 10 acres in Stanislaus County, California, to 640 acres in San Luis Obispo County, California.

The second most used technique was the fixed area-based allocation. The smallest fixed area was 10 acres with a two-acre minimum lot in Harford County, Maryland, a fixed area too small to protect agriculture, according to Toner and other experts, to 160 acres with a three-acre minimum lot in several counties in North Dakota.

Local and state preservation practitioners differ in opinions on the wisdom of allowing pockets of homes in ag zones. Many, however, doubt that residential and farming activities can be compatible. Farmers rely on a healthy agricultural business community for support services, and increased residential uses often create a decline in farm supply businesses. And, although new ag zoning in Maryland incorporates right-to-farm provisions, nuisance complaints are inevitable, some farmland preservation advocates say. Complaints without legal force still affect the farmer.

While its intent can be diminished by the density allowed, agricultural zoning remains the most common method of preventing the development of farmland, according to Robert Coughlin, a partner in the consulting firm Coughlin, Keene and Associates and senior fellow in the Department of City and Regional Planning at the University of Pennsylvania. According to Coughlin, in agricultural zoning, "the main thing is the overall density," and not the form of development in determining whether the zoning adequately protects agriculture.

In the Spring 1991 *APA Journal*, Coughlin says public officials must proceed intuitively when

determining how much development should be allowed in an agricultural zone.

For legal considerations, Coughlin writes, "a reasonable amount of development must be permitted, particularly on tracts that are too small to be ideal for farming or that have otherwise moved out of the rural land market."

Coughlin said in a recent interview that he would question whether the optional density approach being tried in Maryland counties would result in actual protection of agriculture.

Contact: Gail Owings, (301) 778-4600; Barry Griffith, (301) 822-2030; Bill Toner, (708) 534-5000 x 2551; Jim Riggle, (202) 659-5170; Bob Coughlin, (215) 247-8180

Study says Md agriculture not at risk despite land loss

COLLEGE PARK, MD — A University of Maryland study to be released by early summer has concluded that a loss of 800,000 farmland acres since 1964 has not daunted state agricultural production.

Raymond J. Miller, the university system's vice chancellor for agriculture and natural resources and co-chairman of the 22-member panel that conducted the study, said that while farmland acreage including forest and pasture land has decreased, actual cropland has not.

"When I looked at acres harvested, I was amazed. It just hasn't changed," Miller said. In 1975, the number of harvested acres — that includes hay but not grazing land — was 1.458 million. Ten years later, in 1985, the number was 1.593 million acres, and in 1988, 1.425 million, university figures show.

A press release stated that Maryland expects to nearly double its population over the next 30 years, with corresponding farmland loss, but that agriculture will have the opportunity to respond through nursery and turfgrass production.

The university studied the state's agricultural resources to "see how we should be involved," Miller said. Land utilization and preservation is one of 14 key areas Miller cited as study components.

Bruce West, director of the state agricultural statistics service, which was not consulted for the study, believes a study of Maryland agriculture needs to take into account local farming economies and how farmland loss affects them individually before assess-

please continue to page 8

Land of the Everglades to explore farmland preservation

MIAMI, FL — Dade County, Florida, where you'll find the Everglades and Mangrove Swamp, has reached a pivotal point in its growth at which all land within urban boundaries has been developed, and a "second chapter" in agriculture protection policy is needed, according to county planning director Reginald Walters.

The county master plan includes a reference and designation for agriculture, but no agriculture element. Formulating an ag element for the plan could become the goal of an active citizen movement in the county, Walters said.

Policy mandates may be the only direction the county can take to curb the encroachment of development into the agricultural areas, Walters said, because of county land values and development patterns.

Development in Dade County has occurred in an orderly way, Walters said, with no urban concentrations outside the urban boundary. Now, there is no place to go but outside that boundary, into agricultural areas.

"The fact is, even though we're very large, much of our area is wetlands. In Dade County we're at the point where any more expansion of our area to accommodate growth will take agricultural land." Walters anticipates active community participation in the coming months in a conference that will provide discussions of farmland preservation techniques including purchase and transfer of development rights. The conference will help "define the pros and cons and get a sense of direction so staff can thrash that out," and make recommendations to the county commission.

Coupled with the area's land values, with sales of \$20,000 and up per acre, Walters doubts the viability of a purchase of development rights program for the county. Farmers on the urban fringe, where land is the target of development, "may be most reluctant to sell development rights, or if they sell, the amount would be close to that of fee simple," Walters said.

In addition, Walters said, much of the farmland on the fringe is leased, indicating ownership by investors. "These forces are probably not much different from other parts of the country, except for our land value. The stakes are so high that the traditional techniques may not work," he said.

Farmers in the heart of the county, however,

may be interested in selling development rights, but that wouldn't keep development from eating into the fringe areas, Walters said.

"There may be some other techniques that could be employed. The most effective is policy." Walters said that policy will need to acknowledge the need to accommodate growth.

Gabriele Marewski, of the Redlands Citizens Association, says the county's guidelines for the agricultural area have allowed farmland to disappear in five-acre estates in rezonings that have been too easy to obtain. While the county's urban development boundary was expanded in 1989 to a line projected to accommodate growth to the year 2010, it was promptly filled. Another change to the boundary granted last year has been dubbed improper by the state Department of Community Affairs, which administers the state growth management law.

Marewski, who has obtained assistance from the American Farmland Trust, says the county's agriculture is a mammoth industry deserving of strong controls on encroachment. Containing about 85,000 acres, the agricultural area has been estimated by the University of Florida to produce close to one billion in receipts per year.

Since 1978, the county has seen a one percent loss of farmland, which makes up just six percent of the county land mass. Both Marewski and planning director Walters say the time is right for changes to the county's policy on farmland. A newly elected county commission has indicated interest in farmland protection.

"We have a new commission, the most responsive we've had in years," Marewski said. "It's one reason we're pushing now. The need is there and the political timing is right."

Contact: Reg Walters, (305) 375-2840; Gabriele Marewski, (305) 248-4592.

Have you missed these Special Reports?

- "Do tax breaks on farmland help protect it from conversion?" by Tom Daniels, co-author, *Rural Planning and Development in the United States*.
- "What lessons can be learned from the PDR funding crisis?" by agriculture writer Karl Berger.
- Back issues of FPR are also available in limited supply.

Call FPR at 301 692-2708.

California seeking state role in land use and growth controls

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and the governor's Growth Management Council develops a consensus on directions the state can take to handle growth.

Richard Sybert, director of the Governor's Office of Planning and Research, was appointed to serve as head of the Growth Management Council.

Sybert, who served as Gov. Wilson's campaign advisor on environmental affairs, says that while speculation has the council focusing on statewide planning and a purchase of development rights program, it is too early to judge.

"The work of the governor's Growth Management Council does include preservation of open space. Certainly one part of that is to look at farmland preservation," Sybert said.

Sybert added that many suggestions have centered on planning and how the state can take a larger role. But "one of the wrinkles in California is that we are such a large state," he said. Defining the appropriate role for the state in planning will be sticky, he said.

"Many counties are very concerned about preserving farmland. At the same time there are tremendous development pressures. One of the specific points of principle that the governor specified in the order that set up the council, was preservation of open space. When people talk about preservation of farmland, yes, they're talking about open space and preventing sprawl."

Sybert said it will be important to set up a mechanism in which land use decisions are carefully weighed.

A difficult chore facing the council will be resolving the inherent conflicts between home rule and a move toward greater state involvement in land use. California is a strong home rule state, and Wilson is determined to develop a strategy built on a "bottom-up" approach, Sybert said.

But the governor is also committed to determining which growth management factors should be within the realm of state government.

That will in large part be the most difficult work of the council, Sybert said. "There is no across-the-board nostrum that will work. What functions are best performed by what level of government? These are issues that have to be decided with a rapier and not a broad sword."

California's Williamson Act, which provides reduced property taxes to landowners who commit to

10 years of farm use, currently protects about half the state's farmland from development. The law is in need of substantial reform according to state administrators and local planners (see FPR Dec. 1990.) Farmland on the urban fringe is rapidly disappearing despite the program.

Beyond the Williamson Act, California's farmland mapping program provides the raw data from which local governments can justify farmland protection measures.

Peter Detwiler, principal consultant to the Senate Local Government Committee, says some farmland protection measures attempted through legislation could be established administratively.

"A number of people think what used to take legislative change will now become administrative policy changes," Detwiler said about expectations of the new order. "In my opinion, AB1979 was unnecessary. With the right administration, regulations could have achieved the same objective."

Assembly Bill 1979, vetoed last year by Gov. George Deukmejian, would have required environmental impact reports when projects involve farmland conversion.

Carol Whiteside, recently appointed assistant secretary for intergovernmental affairs in the state resources agency and former mayor of Modesto, said she doubts any administrative changes take place this year.

The agency is struggling with a plethora of competing environmental interests, she said, including farmland preservation, in an effort to gain a foothold on the state's growth problems. "I think what we're all trying to do is to gain a general recognition of the economic and environmental benefit [of farmland preservation]," she said.

Whiteside said the administration is committed to shielding agriculture from the impacts of development, but that farmland preservation mechanisms need to be part of a larger equation. "Frankly, people have been tinkering in the margins for a long time," she said.

Whiteside said there is growing interest in purchase of development rights, urban limit lines and appropriate buffers between agriculture and other uses, but said it was premature to judge potential for a statewide planning initiative.

Contact: Richard Sybert, (916) 322-2318; Peter Detwiler, (916) 445-9748.

Affordable housing commission calls on states to review exclusive zoning

WASHINGTON, D.C. — A federal commission studying affordable housing will ask states to take a more active role in assuring that local growth management initiatives consider affordable housing needs, according to James W. Stimpson of the office of policy development and research in the Department of Housing and Urban Development.

Large-lot and other forms of exclusive zoning are among the causes of escalating housing costs cited by the Advisory Commission on Regulatory Barriers to Affordable Housing, convened by Secretary of Housing and Urban Development Jack Kemp a year ago.

In addition to urging more state involvement in growth management, the commission will ask Congress to allow HUD to make federal affordable housing aid contingent on a local government's easing of regulations that may discourage the construction of low-income housing.

The affordable housing commission held hearings last year and "looked at the whole range of actions that local governments take to control growth," said Stimpson, who serves as staff director for the commission.

Stimpson said the commission is not opposed to growth management, but did conclude that "states need to be more active in looking at what barriers exist [to affordable housing]. The commission is well aware the federal government has no direct control in zoning except through federal statutes," Stimpson said.

In a discussion draft including 29 recommendations, the commission recommends a comprehensive reassessment of wetlands regulations and other environmental protection laws. The commission will also recommend that Congress require federal agencies to produce a housing impact analysis before writing rules or rule revisions.

David Dyer, director of policy development for the American Farmland Trust, said the commission recommendations would appear to conflict with the 1981 Farmland Protection Policy Act (FPPA). While the FPPA seeks federal agency compliance with local planning in protecting farmland from development, the commission's recommendations could consider such actions barriers to affordable housing.

"If the report indicates you have to weaken environmental laws to produce affordable housing, we would take issue with that. Why would affordable housing have to take place where there are wetlands and farms?" Dyer said.

Historic preservation laws could also be a target of the commission's barrier removal recommendations, according to *The Washington Post*. Lending institutions will not finance a project in an area that is being considered for historic designation, a member of the commission stated.

Marilyn Fedelchak of the National Trust for Historic Preservation had not learned of the report, but said the Trust would prepare for

legislative briefs ...

In Maryland ... Monies from a capital bond fund could help put the Agricultural Land Preservation Foundation on more steady footing than was expected, putting the budget for FY 92 at an estimated \$9 million. Nevertheless, the decreased funding will allow the state to make offers only to the program's first FY 91 cycle of applicants.

The foundation is considering an administrative change that would allow farm parcels slightly smaller than 100 acres to be accepted into the program. The current rule requires 100 or more acres.

In Maine ... LD 618 calls for a bond issue of \$50 million to fund the Land for Maine's Future program, under which an easement was purchased on a farm last spring. A \$19 million bond referendum failed last year.

LD 469 directs the agriculture commissioner to study the cost of establishing an Office of Farmland Development Rights within the Department of Agriculture.

In North Carolina ... SB 733, a bill that would create a farmland preservation fund at the state level, allowing counties to contribute and get matching funds, has been introduced by Sen. T. La Fontaine Odom. The fund, if established, would qualify North Carolina to participate under the federal Farms for the Future Act, which will provide loan guarantees and interest rate subsidies to states with trust funds for farmland preservation. The bill will be sent to the Senate Agriculture Committee.

In Wisconsin ... A bill is being drafted to establish a trust fund for a purchase of development rights program to qualify the state for the Farms for the Future Act.

In Washington ... Growth management legislation that would strengthen the 1990 statewide growth management law is in conference committee. The bill was significantly shortened from its original House version ... A House version of a right-to-farm enabling bill is moving forward.

For copies of bills or information on items in legislative briefs, call the numbers below.

Maryland	(301) 841-5860
Maine	(207) 289-3511
N. Carolina	(919) 733-3460
Wisconsin	(312) 427-2943
Washington	(206) 753-7319
California	(916) 753-1073
New York	(518) 427-8357
Illinois	(217) 782-6297

In California ... Despite Gov. Pete Wilson's request that growth management legislation be delayed, four comprehensive growth management bills have been passed through the Senate Local Government Committee. The governor had requested a delay in any growth management legislation until his newly appointed Growth Management Council makes recommendations next January for redirecting the state's land conservation and growth management functions. Three of the bills would create a state agency or commission to implement regional planning. One would make participation in regional planning voluntary.

However, a long list of other growth management and farmland preservation related bills have been put on hold until work can be completed by the governor's Growth Management Council as well as by the Growth Management Consensus Project, a coalition of environmental, agricultural, housing, real estate, planning and homebuilding groups.

In New York ... A bill to establish a trust fund for farmland preservation, A 7126, has been introduced ... Gov. Mario Cuomo has introduced a bill, GB 129, to amend the state agricultural district law to expand the responsibilities of the Advisory Council on Agriculture. The bill would also provide minimum funds for counties for farmland preservation planning ... The governor's Environmental Infrastructure Fund, proposed in response to a failed bond referendum last year, could yield funds earmarked for land preservation purposes.

In Illinois ... Legislation to amend the Farmland Preservation Act to disqualify farmland parcels within municipalities as well as parcels "intended for

residential uses" has been introduced. The Illinois Municipal League and the homebuilders association has lobbied for the legislation, which would effectively eliminate the Department of Agriculture's role in reviewing proposed facilities planning area expansions, according to Steve Chard, chief of the Department of Agriculture's Bureau of Farmland Preservation.

Federal ... Rules for the Farms for the Future Act are being written by the Farmers Home Administration. A lack of funding for the program gave the rules writing for the FFA low priority, according to FmHA spokesman Joe O'Neill. "It probably wasn't the highest priority because of lack of funding ... this is not something that's being lost," he said.

Federal study targets exclusive zoning

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rebuttal. The Trust recently completed a study that called for greater federal agency involvement in historic preservation objectives. That study has not yet been made available by the Department of Agriculture, Fedelchak said.

Ivonne Audirac, of the University of Florida's Bureau of Economic and Business Development said the basic assumption of the commission, that relaxing development regulations would pass along savings to homebuyers is "a very tenuous argument ... what needs to be brought out in the open is precisely whose interests the commission is trying to advance in terms of cost savings and at what cost to other sectors of society. I think that these recommendations will encounter a lot of opposition by many homeowners, environmental groups and even from some developers," she said.

Stimpson said HUD would likely take a lead role in implementing the commission's recommendations and would work with government and private industry groups which he said would include the National Association of Homebuilders, the National Governors Association and the League of Cities.

Contact: Jim Stimpson, (202) 708-4230.

Municipal vetoes keep fringe farmers out of metro ag preserve program

MINNEAPOLIS, MN — A 10-year-old program to preserve farmland in the Minneapolis/St. Paul metro area is supported by the public and by farmers but not by city and township officials who seek development as a means toward healthier municipal budgets.

Municipalities seeking expansion of urban service areas have repeatedly vetoed applications from farmers who want to enter the Metropolitan Agricultural Preserve Program, which extends tax credits at variable rates.

The number of acres in the metro-area counties kept out of the program by cities and townships through their veto powers is unknown according to Tori Flood, program administrator. The Metropolitan Council of Minneapolis/St. Paul, which administers the program, doesn't keep a tab, she said, but vetoes are common

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Study should explore local economies, statistician says

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ing the overall health of the industry.

"I think it's more descriptive to look at each economy than to give sweeping statements on state agriculture as a whole," West said. "Even the kinds of agriculture vary tremendously from one area to another."

While the study points to broiler production as the state's number one animal industry, West sees it as an economy limited to Maryland's Eastern Shore.

West cites a loss of 50,000 farmland acres statewide per year. That is having an effect on the counties where most of the loss occurs, he said. Production levels in the state as a whole would be irrelevant to the health of agriculture in those counties, he added.

Although drawing conclusions from the study is premature, Raymond Miller said, he believes a public educational process in land use matters is needed. "People seem to be coming to these issues late in the process," he said.

Miller also said urban agriculture needs study. Farmland parcels that have been surrounded by urbanization need preserving. "Those kinds of pockets can be used for crops. We need to look at the infrastructure to see how to make that happen."

The study was conducted over the past year by a panel including state government and university officials, and representatives from citizen and environmental groups.

Contact: Raymond J. Miller, (301) 405-6803; Bruce West, (301) 841-5740.

Municipal vetoes keep farmers out of tax credit program

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because municipalities see vacant land on their fringes as their only potential for increased revenues.

One measure of veto activity could be a report produced last year by the Minnesota Food Association, a nonprofit group, showing just 30 percent of the metro area's 611,000 eligible farmland acres as enrolled

in the program, which requires only an eight-year commitment.

A rapidly growing community recently expanded its service area by 2,500 acres, one of the largest expansions in the past year.

"Some cities are anticipating development and stage their growth over the next 20 years. Outside [the growth area] they may have a designated long-term ag area," Flood said. "People who are closer in are just out of luck," if they want to remain in farming, she said. Cities and townships are not willing to tie up their areas in ag preserves, Flood said.

In addition to the difficulties with municipal vetoes, the formula that determines the amount of a farmer's tax credit seems headed for trouble. The tax credit is based on the difference between the applicant's township tax rate and the average state tax rate for farmland. But tax rates for farmland in the state have risen to the point of making the difference between metro and state farmland rates virtually nil. The program is therefore losing its appeal for many farmers.

Other benefits under the program, protection from eminent domain and a shield from special assessments for city improvements attract those farmers whose applications are likely to be vetoed.

Flood said legislation to increase the minimum tax credit and to change the eligible parcel size from 40 to 20 acres has been introduced in the state legislature.

The continued loss of metropolitan area farmland has prompted a nonprofit group, the Land Stewardship Project, to organize a public education initiative that has sparked widespread interest, according to outreach director Lee Ronning.

The Project organized a series of public forums on urban sprawl over the past year. The forums have been well attended, Ronning said, by people who are aware of the problem and want to know what they can do about it. "The calls keep coming in," she said.

"The Minneapolis/St Paul area is the fastest growing metro area between here and New York," Ronning said. "It's not just a growth issue, but a food issue."

One farmer recently asked the Project to help him petition his township to establish a farmland preservation program.

"People are desperate. There seems to be a grassroots movement," Ronning said. Contact: Tori Flood, (612) 291-6621; Lee Ronning, (612) 433-2770.

resources ...

Publications

• **At Odds with Progress: Americans and Conservation**
By Bret Wallach
Univ. of Arizona Press, 1991. 255 pp. \$24.95

"If Wallach's central argument proves right, and a yearning for conservation lies just below the surface in many 'practical-minded' people, then the prospects for our common life on this planet look better and better. Like some sort of benevolent and beneficent earthquake, this book unsettles the mind in the most productive way," writes Patricia Nelson Limerick, author of *Legacy of Conquest*.

• **Thirst for Growth: Water Agencies as Hidden Government in California**
By Robert Gottlieb & Margaret FitzSimmons
Univ. of Arizona Press, May 1991, 287 pp. \$35

Reviews the key issues of public accountability and water policy innovation that confront urban and agricultural water agencies throughout the country — notably in California, where the prospects for future water development have become especially problematic. The authors offer a series of case studies analyzing the issues of water quality, reallocation and transfer of existing supplies, and management programs.

Conferences

August 4 - 7, Lexington, KY "Living with the Land, the annual meeting of the Soil and Water Conservation Society. Speakers include Wendell Berry, Lester Brown, William Richardson, Nina Leopold-Bradley. Workshops and panel discussions include Growth Management: State of the Art; Encouraging Change Through Information; Food Security Act Implementation; Rural Landscape Revitalization; Information Management for Conservation Policymaking; Living with the Land: The Human Dimension. For registration and conference information call (515) 289-1227.

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farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

AFT Conference

Diverse workshops capture breadth of growing profession

Although state agency budget cuts, particularly in the northeast, made travel impossible for many, more than 300 people from the soil conservation, land use, agriculture, environment and wildlife professions gathered in Washington, D.C. March 7 and 8 for a two-day conference on protecting America's farmland.

The conference, "Saving the Land that Feeds America: Conservation in the 90's," was sponsored by the American Farmland Trust (AFT), the nation's only non-profit, membership organization dedicated to preserving farmland. It was the AFT's first national farmland preservation conference since the organization's founding in 1981. Proceedings of the conference will be made available in June, according to AFT President Ralph Grossi.

Twenty-nine workshops on farmland protection and preservation techniques, policy issues, soil and water conservation, land trusts, land stewardship, farmland affordability, and sustainable agriculture were offered in five concurrent sessions.

Workshop speakers included practitioners and theorists from both the public and private sectors as

well as from non-profit organizations. Sessions were generally well-attended and question periods were often intense. Most participants queried said the workshops provided fresh information and insights as well as leads for resources.

EPA Administrator William K. Reilly, a long-time conservation advocate, and USDA Assistant Secretary of Agriculture and Environment James Moseley were the featured luncheon speakers for the two days.

William K. Reilly, former president of the Conservation Foundation, described changes in federal wetlands regulations that will allow more equitable enforcement. Reilly said however that the nation's desire to protect wetlands was coupled with a coveting of property rights. "Why can't we have good stewardship and rights?" Reilly asked.

Reilly said 24,000 acres of wetlands have been restored at an average cost of \$150 per acre, a bargain, he said.

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Debate over rural clustering: Is it another form of sprawl?

Rural cluster development, advocates claim, is a necessary companion to the purchase of development rights and other farmland preservation measures in metropolitan regions. Some practitioners, however, say it will cause inevitable conflicts where it is applied.

Also referred to as limited development and open space development, the concept was the topic of a workshop at the American Farmland Trust two-day conference in Washington, D.C. March 7 and 8.

Panelists Randall Arendt, of the Center for Rural Massachusetts, and Mark J. Lapping of Rutgers University, expressed opposing views as to whether new residential pockets in agricultural

zones can be called a farmland preservation technique.

A third panelist, Glenn Hoagland of the Dutchess County (NY) Land Conservancy, said

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Rural clustering: protecting farmland or creating conflicts?

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clustering can create conflicts, but mitigation of those conflicts should be part of the process. In 1982, New York state enabled its localities to require clustered subdivision plats.

Randall Arendt believes new residential clusters on a small percentage of a given parcel, on which the remaining part is preserved through easement, is needed to protect farmland because PDR is underfunded and voluntary. Arendt advocates mandatory clustering when development occurs in agricultural areas.

Mark Lapping, professor and dean of the Planning and Public Policy faculty at Rutgers, sees a problem with the view that clusters of homes are compatible with farming operations.

"From my perspective, in terms of long-term viability of agriculture, those propositions are seriously flawed." A need for services will arise over time, Lapping said, and sprawl will not be curbed, but stimulated. "There are likely to be substantive problems. I think it looks great, I don't think it's going to work great."

Tom Daniels of the Lancaster County Agricultural Preserve Board, who implements a purchase of development rights program supported by county and state funds, believes cluster developments, even with right-to-farm laws on the books, will invite conflicts for farming operations. Complaints will still occur, he said, and farmers may feel pressured to change methods or even types of operations.

Daniels and Arendt have been at odds in a debate over the applicability of clustering in agricultural zones. Daniels believes that the rural clustering concept is void of a full understanding of farm operation and management. Arendt contends that mandatory clustering in rural areas has benefits for all parties involved: farmers profit from sale of land to development, and from sale of development rights on the portion of land kept in farming, as well as the ability to continue farming; developers can reduce construction costs; new homeowners benefit from a guaranteed bucolic environment.

Arendt believes that purchase of development rights programs, from Maryland to Vermont, cannot save adequate amounts of farmland, and that PDR programs may not adequately compensate farmers.

But Daniels contends that a strict use of agricul-

tural zoning, along with the purchase of development rights through public and private means will ultimately be the most effective, long-term solution for protecting agriculture from encroachment.

"His model is completely irrelevant to what we're doing," in Lancaster County, Daniels said, "where we have strict ag zoning, and we're trying to implement urban growth boundaries." The Lancaster program has already begun to link outlying farms around urbanized areas, creating what Daniels hopes will become a shield against continued expansion of services into the county's agricultural areas.

Arendt has conceded, according to Daniels, that a combination of strict agricultural zoning and use

Does rural clustering feed the 'impermanence syndrome'?

of urban growth boundaries is optimum. Arendt holds, however, that since most localities don't have these elements in place, the cluster model offers an alternative to conventional sprawl patterns of development that will continue until localities establish more effective protection or preservation programs.

Both Lapping and Daniels, who together authored a book on rural planning two years ago, believe Arendt's open space zoning model — touted in many localities in the eastern states — is an extension of sprawl when applied. They believe that allowing development into agricultural zones will inevitably require extensions of services, particularly if septic systems fail, an event Lancaster County has already reckoned with.

Lapping and Daniels say cluster development or open space zoning may preserve open space but will not preserve farming. Rather, they contend, clustering will feed the "impermanence syndrome" by increasing population in agricultural zones and making the availability of services an issue.

That will be the result, Daniels said, of a chain of events occurring in the wrong order, of function following form, rather than form following function, an age-old truism. The rural clustering concept is thriving on the appeal of built-in design standards (form) that make the new cluster of homes "fit" into the landscape and mirror local architec-

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Speakers sidestep federal role question

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James Moseley, speaking at the March 8 luncheon, cited conservation compliance as the issue of the decade because of incentives built into the 1990 Farm Bill. Farmers will need to regulate themselves in the use of chemicals and in the caring of the soil, Moseley said, to avoid government regulation in the future. Moseley called for increased understanding between agriculture and environmental interests.

Moseley pointed out that the American public more readily trusts the findings of environmental groups than those of the federal government.

Moseley said "technology transfer" is now the challenge for conservationists. "We need to implement what we already know," he said.

During a brief question period Moseley was asked why the federal government has no active program to address the loss of prime farmlands. He responded by quipping "Next question, please." Reilly had sidestepped a similar question.

Neither Reilly nor Moseley spoke about farmland preservation. The loss of prime farmland, particularly in urban fringe areas, has not been addressed by federal policy during the last decade.

A series of bills considered by Congress between 1977 and 1980 attempted to establish a national agricultural land policy by requiring farmland conversion and inventory reports by federal agencies, and cooperation with state and local farmland protection programs.

Several of the bills were opposed by groups such as the National Association of Realtors and the National Association of Home Builders as well as the Farm Bureau. These groups said the legislative intent set a dangerous precedent that could result in federal land use planning.

The only successful federal legislation to address the conversion of farmland came in 1981 when the Farmland Protection Policy Act (FPPA) was passed as part of the Farm Bill. Its enactment was possible largely because of the completion of the National Agricultural Lands Study (NALS) just prior to the beginning of that year's session of Congress.

The NALS concluded that about three million acres of farmland were being lost every year to non-farm uses. The study, which detailed farmland protection techniques, was not well received by the Reagan administration, and its claim regarding the number of acres lost each year became a matter of debate.

But growth management initiatives at the state and local levels nationwide gave the study "a momentum of its own," said AFT Senior Advisor Norman A. Berg, who was then Chief of the Soil Conservation Service.

The NALS was in high demand, and is still used as a primary reference by local governments and interest groups. No other comprehensive study or compilation of data on local and state farmland protection programs has been undertaken in the decade since its publication.

While the Farmland Protection Policy Act was a breakthrough for advocates of federal farmland protection policies, the law now "lies dormant on the shelves of the USDA," said AFT President Ralph Grossi at the conference's ending session. The law requires federal agencies to minimize or avoid farmland conversion in federal activities, but it has seen little implementation.

Workshop: Application of Farmland Mapping Systems

"What wins the commitment of an elected official to farmland preservation? There are exceptions to the rule but the rule is: the narrower the policy goal the more effective the catalyst. Broad policy goals such as ensuring long-term local food supply or a comprehensive environmental protection program win few elected officials to the cause of farmland preservation. Not many, but a surprising number are moved by a social welfare aspect of farmland preservation. It appeals to them because they have a sense that farmers are a class of people who need legislative protection."

— *Jeffrey D. Wilson, President Harford County (Md.) Council*

Workshop: Cost of Sprawl & Fiscal Impact Analysis

"Vermont towns, many of them agricultural and rural in nature, are heavily dependent on the property tax to fund local improvements and services. As a result, many developers tout the property tax "benefits" of new development, showing the increased potential for town revenue from a new development. ... in most cases, Vermont towns actually end up subsidizing new development ..."

— *Ned Farquhar, Executive Director Vermont Natural Resources Council*

Workshop: Beyond Stewardship — A Role for Soil and Water Conservation Districts

"The stewardship approach has not been enough ... the traditional roles are changing to meet natural resource management needs of the 1990's. In many states conservation districts are being more fully utilized and the traditional programs which are voluntary are being carried out under an umbrella of compliance and regulatory authorities. Farmland preservation may benefit from these changes ..."

— *Lynn A. Sprague, Northeast Rep. National Association of Conservation Districts*

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Prior to AFT, federal farmland policy was sought by the SCS

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The American Farmland Trust came into being at the time the Farmland Protection Policy Act was enacted, and was created largely as a result of the efforts that led to the National Agricultural Lands Study, according to Norman Berg.

Part of the genesis of the farmland preservation movement, Berg said in an interview after the conference, was the concern of many SCS administrators, beginning in the late 1960's, that the conversion of prime farmland near cities was happening faster than its effects could be understood.

Conservationists like Berg felt the loss of prime farmland to urban sprawl should be a concern of the Soil Conservation Service, and thus of the federal government. Berg spent the latter part of his SCS career seeking a federal farmland protection policy that would encourage effective planning.

Edward Thompson Jr., AFT's general counsel and with the organization since its founding, said farmland preservation around urban fringes briefly became a national issue deserving of federal attention during the 1973 nationwide truckers' strike. The northeast region, particularly the Boston metropolitan area, found itself "at the end of the supply line," he said.

The situation was similar to that of unemployment in major cities, Thompson said. "It's not a local problem. It becomes a national problem."

The role of the federal government in land use-related functions continues to be a subject of broad philosophical and political debate.

Norman Berg said the increased attention to farmland preservation practices over the past decade has hinged largely on the growth of the environmental and growth management movements. Berg said growth management initiatives at the local and state levels have learned to use farmland preservation as a policy and planning goal.

The American Farmland Trust (AFT) works to increase federal attention to the farmland conversion problem. Last year it was in large part responsible for enactment of the Farms for the Future Act as part of the 1990 Farm Bill, which, when implemented, will provide loan guarantees and interest rate subsidies to states with farmland preservation programs. It is the first federal support of state-level farmland protection initiatives.

At the local level, the AFT provides technical assistance to policymakers preparing farmland

Unimplemented: The Farmland Protection Policy Act (FPPA)

"The purpose of this subtitle is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to non-agricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government, and private programs and policies to protect farmland."

(Subtitle I, Title XV, P. L. 97-98, Section 1540.)

protection programs. The AFT helps local officials and citizen groups develop policies and programs that encourage farmland preservation.

Most local level policy and program development activities of the AFT involve farmland preservation or protection techniques such as purchase or transfer of development rights and right-to-farm ordinances. The AFT is acknowledged by local governments as the nation's pool of expertise in farmland preservation and protection.

While giving accolades to the conference workshops overall, several conference participants felt a lack of attention to general planning and zoning innovation.

Robert J. Gray, a Washington environmental consultant who worked with the American Farmland Trust for five years and served as executive director of the National Agricultural Lands Study, said the AFT does not give enough attention to zoning, what he calls the "hard issues." Gray says there is a need for a national advocacy of stricter zoning to protect agricultural areas.

"I'm somewhat disappointed in the fact that they don't take a stronger role in the issues of zoning and land use regulation," Gray said in an interview after the conference. The purchase of development rights is resulting in a patchwork of preserved farms, Gray said, while ineffective agricultural zoning, largely responsible for encroachment into rural areas over the last several decades, remains in place in thousands of localities.

A lesser emphasis on zoning does not indicate a policy void in the AFT, said President Ralph Grossi.

"We have elected to emphasize voluntary type programs, but for each of those we believe there's a need for sound planning and zoning mechanisms

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as part of the process. You have to have both."

Workshops in agricultural zoning or planning, Grossi said, were not seen as a need.

"A lot of that is pretty well known. You can't have PDR or TDR without planning and zoning." Grossi said PDR fosters acceptance of zoning among farmers. He points to the Marin County (CA) Agricultural Land Trust as an example, where the purchase of easements on farmland strengthened support for 60-acre parcel sizes.

When the AFT provides technical assistance to local governments, the organization needs to come away knowing the mechanism is not subject to political whim, Grossi said. "We're looking for permanence. We're not looking for zoning that will hold up only as long as the current board of super-

visors is in place."

But, Grossi said, a lesser emphasis on planning and zoning is not a matter of institutional philosophy, but a matter of funding. "There's nothing that prevents it but fundraising. We target our resources to where we can do the most good."

A planning and zoning resource center that would help local planners and policymakers protect farmland is something the AFT has talked about, Grossi said.

"There's clearly a need for it, but it would be hard to fund," Grossi said.

Gray however, said he believes such a center would be self-sustaining after a few years, with governments willing to pay for studies and information they could not readily obtain on their own.

Maryland state planning initiative sent back for more study

ANNAPOLIS, MD — Local planners left out of the process, a governor in too much of a hurry, and farmers more interested in land values than in land stewardship were among the many reasons cited for Maryland's failed attempt to compel its 23 counties to preserve farmland and direct growth to already developed areas.

Nearly all who opposed the Maryland Growth and Chesapeake Bay Protection Act, called the 2020 plan, agreed with the proposal's intent, but disagreed, often strongly, with how the goals should be carried out.

Gov. William Donald Schaefer's Commission on Growth in the Chesapeake Bay Region developed the proposal that would have required the state's municipalities and counties to place their land in one of four categories, each with its own growth restrictions.

The Maryland Association of Counties (MACO) submitted amendments that removed all implementation and monitoring authority from the state Office of Planning. MACO proposed creating an implementation committee that would include state and local government as well as interest groups to develop the final guidelines and criteria for meeting the state's six "visions." The visions are goals to be met through improving Maryland's growth pattern and the conditions of the environment.

Initially calling upon the commission to "be bold" with its proposal, the governor less than one month later was forced to water down the bill,

deleting a density limit on housing.

But the concession proved too little too late. The proposal has been sent for further study, something the chairman of the commission said isn't needed.

"This does not need further study. It has been studied to death," said former U.S. Congressman from Montgomery County Michael Barnes. Barnes said he hopes the next legislature will come forward with a new proposal.

Local planners in the state almost unanimously opposed the bill, which they said did not take into consideration local programs, many of which were already doing a good job of protecting farmland. Local planning departments were left completely out of the proposal's development stages, they said.

Local planners said they shared the goals of the commission, but felt the means of achieving those goals could not be applied statewide.

The Maryland Farm Bureau complained the equity issue had not been addressed. The proposal called for a uniform one unit per 20 acre density in agricultural zones, a considerable downzoning for

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Farmland at Columbia River Gorge to be protected as national scenic area

Agricultural land in a six-county area along the Columbia River in Washington and Oregon states will soon be subject to regulations designed to protect the scenic value of the Columbia River Gorge. The gorge was declared a national scenic area by Congress in 1986.

The 13-member Columbia River Gorge Commission, established in early 1987, is calling for strict agricultural land preservation and specific regulations for new development within the area in its preliminary draft management plan. Land use requirements for 146,500 acres, 43 percent of which is agricultural land, are specified.

The Columbia River makes up about two-thirds of the border between Washington and Oregon.

The management plan establishes policy guidelines for local comprehensive plans as well as standards, criteria and guidelines for county zoning ordinances. Once an ordinance has been approved the county will be eligible for federal funds.

For Washington state, the management plan means two different planning strategies will be in effect, said Steve Wells, of the Department of Community Development, Growth Management Division. While the new state Growth Management Act calls for the state's most populous counties to use initiative in directing growth, the Columbia River Gorge counties will have state and federally-mandated and specified guidelines to follow.

"In Washington we will now have two fundamentally different approaches. The means of getting there differ, but it's the same objective. This is top-down planning," Wells said of the gorge plan.

The plan calls for all new development to be compatible with the landscape, and for new structures and roads to be sited and designed to retain existing topography. It calls for site plans to determine whether proposed structures are visible from key viewing areas, which are to be designated. The guidelines further call for size, height, shape, color, reflectivity, landscaping, siting and other aspects of proposed development to be evaluated to ensure that it will be "visually subordinate to its setting as seen from key viewing areas."

Regarding agricultural lands, the plan calls for protecting ag land from conversion to residential land by establishing minimum lot sizes and specifying appropriate uses. The plan distinguishes between large-scale and small-scale agriculture. Except for lot line adjustments, all land divisions would be treated as conditional uses.

The plan has set a 40-acre minimum on land to be designated A-1, that which is presently used for or is suitable for land-intensive farming. A 60-acre minimum and an 80-acre minimum have been set for orchards and for haying/pasturing respectively. A 160-acre minimum has been set for land predominantly used for or suitable for land-extensive operations such as grazing.

Once localities have put ordinances in place, the commission and the U.S. Forest Service will monitor and evaluate implementation.

A final plan is expected in June.

Contact: Sharon Hope (206) 586-1239

legislative briefs ...

In Massachusetts ... Funding for administration of the Agricultural Preservation Restriction Program (the state's PDR program) has been reinstated. The budget, which administrators had expected to be eliminated, has been reinstated at the full funding level for FY 92, according to manager Rich Hubbard.

In California ... Sen. Marian Bergeson has introduced a bill that would create incentives for voluntary regional collaboration for infrastructure financing; it would encourage compact development and strengthen the role of the state planning agency in policymaking. The compact development initiative would require regional fiscal authorities to designate development boundaries, outside of which property assessments and taxes would be reduced, requiring state subsidies to localities to offset revenue loss.

Other bills with similar intent have been introduced.

As part of Gov. Pete Wilson's growth management study initiative, the state Department of Conservation has begun a study of purchase of development rights programs.

In Pennsylvania ... The House Select Committee on Land Use and Growth Management has been re-created by House resolution. A land use report produced by the committee last year should soon be available. Call Bill Kent to be placed on mailing list for the report (717) 787-9516.

In Oregon ... The Land Conservation and Development Commission will send to the legislature criteria that will differentiate primary from secondary lands. The objective is to lift conservation restrictions from lands that are less than prime soils. Oregon's plan has not categorized land according to soil productivity.

In Maryland ... Debt financing may be used to provide funding for the agricultural land preservation program. At press time, no dollar amount was stated in the budget bill. The program has been targeted for

For copies of bills or information on items in legislative briefs, call the numbers below.

Maryland	(301) 692-2708
California	(415) 445-9748
Washington	(206) 586-3668
Mass.	(617) 792-7710
New York	(518) 455-2892
Oregon	(503) 373-0050

massive budget cuts.

A proposal for statewide planning criteria that would have directed the state's growth to already developed areas failed almost unanimously after heavy opposition from local planners and elected officials as well as from farmers. A special joint committee will be appointed to further study growth management issues.

In Washington ... A bill that will make last year's growth management law more stringent has passed the House and will now go to the Senate.

In New York ... An omnibus bill, S2444 would create a circuit breaker income tax credit for farmers starting at one percent the first year and would empower the state to create a PDR program. Funding is not part of the bill, but it would allow localities to establish transfer taxes ... SB 3387 provides technical assistance to local governments for PDR programs and would disallow inconsistent development within 150 feet of adjacent agricultural district farms ... S2262 authorizes creation of a \$100 million bond act for PDR. Last year's bond referendum was unsuccessful.

In Congress ... Thirty-six members of Congress representing states potentially qualifying for assistance under the Farms for the Future Act have urged new Secretary of Agriculture Edward Madigan to speed up the writing of regulations for the law. The USDA had stated the rules could take seven months to complete.

Rep. Peter Kostmayer (D-Pa.) has been elected chairman of the House Interior Subcommittee on Energy and the Environment, which held hearings on open space and landscape preservation last year. Kostmayer said the hearings will continue to include land use planning issues.

Ontario studying farmland protection

TORONTO, ONTARIO — A new administration in Ontario, Canada, has set out to develop farmland protection policies for the province, and is exploring techniques used in the United States, according to Tonu Tosine, associate director for the Land Use Planning Branch of the Ministry of Agriculture and Food.

The provincial government is studying the state programs of Pennsylvania, Oregon and Maryland, and the local programs of Lancaster County, Pa., and of Montgomery and Carroll Counties in Maryland.

"We'd like to get a feel for state empowerment and county implementation," Tosine said. Ontario has also studied farmland protection policies in British Columbia and Quebec.

Tosine said the provincial government is concerned about urban sprawl, particularly in areas of southern Ontario.

The current process of reviewing applications for "severances" of farmland has failed to protect rural areas, according to Tosine. Since 1983, municipalities have had the authority to grant severances. A law requiring conformance to provincial guidelines for prime farmland designation and protection has not been enforced, Tosine said. In 1989, 14,000 applications for farmland severances were reviewed, Tosine said, and nearly all were approved.

Refinements to the severance process or a change to Ontario's planning act are possibilities, Tosine said. "It's completely open."

A report is expected later this spring.

Contact: Tonu Tosine, (416) 326-3131; Fax: (416) 326-3065.

Rural clustering: Debating the merits

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tural features. Once the homes are built, and people move in, it remains to be seen how residential and agricultural uses will function together, Daniels said.

Some localities have written new zoning ordinances that allow clustering, with design standards, as an option in ag zones. In Kent County, Maryland, a new "enclave" option that allows up to 10 homes to be built on a small percentage of a farm parcel, is one of three options for development allowed in the agricultural zone.

The enclave option is seen as a way to protect a farmer's equity while protecting the larger portion of a parcel from development and preserving the open character of the countryside.

Many local planners do, however, agree that rural clustering invites conflicts with, more than it gives protection to, agriculture.

American Farmland Trust (AFT) President Ralph Grossi says that while the AFT encourages innovative approaches to farmland preservation, rural clustering "should't be the first course of action." Grossi said, however, that even where PDR exists, clustering could in some cases be the only way to realize equity.

Contacts: Tom Daniels, (717) 299-8355; Randall Arendt, (413) 545-1830; Mark Lapping, (201) 932-2993; Ralph Grossi, (202) 659-5170.

Maryland state planning initiative fails

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many counties. Even farmland preservation administrators could not support the bill: the effect of lowering the number of dwelling units per acre was certain to affect how much a farmer could expect in payment for selling conservation easements to the state.

State officials countered that statewide, millions of acres would be preserved, and that a statewide land stewardship initiative that curbed low-density development was necessary to help restore the Chesapeake Bay.

Commission Chairman Michael Barnes said farmers were not concerned about preserving farmland, as they claimed. "What we're hearing from farmers is they want to be able to develop their property," he said.

H. Grant Dehart, director of the Maryland Environmental Trust, said one of the key problems was that not enough time was taken to get public comment prior to the proposal's drafting stage, and that the process itself should have started with a broader set of policies followed with regulations to bring counties into compliance.

Robert J. Gray, a Washington environmental and land use consultant who

served on the commission in its earlier work, also felt the process was rushed and that a bill with such far-reaching effects should have been insulated from the governor's "do it now" policy.

Oregon's approach to statewide planning serves as an illustration of the point. Oregon adopted statewide planning in 1969 that created voluntary guidelines for localities. In 1973 the legislature built onto the guidelines a mandatory program requiring localities to adopt comprehensive plans and land use regulations that spelled out preservation and conservation goals and set standards for each jurisdiction to meet. Coinciding was a state review process to monitor compliance.

The 1973 Oregon Land Use Act, therefore, did not come about overnight, said Mitch Rohse, communications manager for the Department of Land Conservation and Development, the administering agency.

Passage of the Oregon statewide planning law was possible partly because a voluntary approach was in effect beforehand, Rohse said. "It certainly heightened people's awareness of the issues."

Early easement monitoring advised

LANCASTER, MA — Easement monitoring is a part of purchase of development rights (PDR) programs that cannot be set aside while a program basks in its preservation successes, said Rich Hubbard, manager for the Massachusetts Agricultural Restriction Program, Department of Food and Agriculture.

Hubbard was warning PDR administrators of violations that can occur if monitoring is not made part of a program early. Hubbard spoke at the American Farmland Trust conference workshop "PDR: Nuts and Bolts."

The Massachusetts program, now performing some monitoring while easement funding is low, has found a tire dump, a subdivision, and a house in the middle of a field, which has been ordered removed.

A lawsuit is now headed for an appeals court that holds the program unlawfully prohibited placement of a homesite at a preferred location on an easement parcel. A state superior court ruled last year that the program was exercising its prerogative in denying permission for a home to be built on top of a hill on an easement parcel.

Hubbard said the future affordability of the parcel as a farm would have been jeopardized by placing a new home at the site requested. "It would have created an instant estate," Hubbard said.

Hubbard advises the creation of a file for applicants that details "as clearly as possible the condition of the property." Then inspect yearly, he said.

Contact: Rich Hubbard, (508) 792-7710.

resources ...

• *What Farmers Need to Know About Environmental Law*

By Neil D. Hamilton

Drake University Agricultural Law Center
Des Moines, Iowa, 1991. 188 pp. \$20

Its premise is that farmers more than ever need to know environmental law, because agriculture and environment are getting even closer together in federal policymaking, as seen in the 1990 Farm Bill. Its format is reader-friendly: a question and answer design that makes it easy to pick up and pick through during the few moments each day a farmer might have to peruse this kind of material. And, its writing is readable — built for the layman, not the scientist, this softcover manual should be recommended to farmers by all agriculture professionals.

Chapters include: Legal Issues in Enforcing Federal Soil Conservation Laws; The Protection of Wetlands and the Impact on Farming; Preserving Farmland, Regulating Water Use, and Protecting the Environment; Nuisance Suits and Agriculture: How to Limit Nuisance Risks and Use Right to Farm Laws to Protect Your Farm; Legal Issues in Enforcing Federal Soil Conservation Laws; Legal Issues Arising from Pesticide Use: Container Disposal, Carryover, Drift and Farmworker Safety.

The work was supported with grants from the Iowa Soybean Promotion Board, the Iowa Pork Producers, the Iowa Corn Promotion Board and the Iowa Cattlemen's Associations. It focuses on Iowa, but this does not affect its relevance or applicability to other states.

This book promises to be a useful reference for the professional's bookshelf, as well as for the farmer's library.

Neil Hamilton is director of the Agricultural Law Center at Drake University. The book is \$20 postpaid by writing the Center at 2507 University Ave., Des Moines, Iowa 50311-4505.

Conferences

May 9 - 12: Pacific Grove, CA. A conference on equitable agriculture will be sponsored by the Agroecology Program of the University of California - Santa Cruz and the Agriculture, Food and Human Values Society. Topics will include agriculture and society, sustainable solutions to problems, long-term values in farm policy and implications of international economic development. Write to: AFHV Conference Information, Agroecology Program, University of California, Santa Cruz, Ca. 95064 or call (408) 459-3240.

August 4 - 7: Lexington, KY. "Living with the Land" the 46th annual meeting of the Soil and Water Conservation Society. The meeting will focus on protecting and managing the land according to its carrying capacity. Confirmed speakers include Wendell Barry and William K. Reilly. Fifteen concurrent sessions include topics in growth management, conservation policymaking, Food Security Act implementation, encouraging change. For information call (515) 289-2331.

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Special TDR issue

A dozen localities putting TDR on trial as preservation tool

Although creating transfer of development rights (TDR) programs continues to be difficult for jurisdictions that attempt them, more than a dozen townships and counties — most of them in Pennsylvania, New Jersey and Maryland — are currently exploring or have recently enacted TDR ordinances as a means to preserve farmland or open space.

Townships in Southeastern Pennsylvania

Manheim Township in Lancaster County, Pennsylvania has downzoned 1,900 acres in preparation for a TDR ordinance that could be enacted by summer, according to planner Jeffrey Butler. Although designating the receiving area and accomodating increased density has been tough, "we feel comfortable with the mechanics of the TDR," he said. The township contains 14,600 acres, with about one-third remaining in agricultural use. Manheim is also exploring architectural guidelines to preserve community

appearances. A consultant may be retained, Butler said.

Three townships in southeastern Pennsylvania are observing the work of Manheim township and have begun to explore the viability of TDR for their areas.

One of those is East Hempfield, also in Lancaster County and adjacent to the city of Lancaster. The township commissioners are appointing a citizen committee and are meeting with farmers. "We want to find a good cross-section," of people, said George Marcinko, township manager. "We want serious comments. Time is running short. If we're going to preserve [farmland] let's move. We're really trying to find out if they [TDRs] work," he said.

Oley Township, near Reading in Berks County, is rewriting its zoning ordinance with the help of a private consultant. Agricultural

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Townships urged to rewrite zoning, allow innovation

LANCASTER, PA — With the objective of urging its townships to refashion their zoning ordinances to curb sprawl and to allow for neotraditional town development, Lancaster County officials sponsored a forum and design workshop for local planners, building industry and preservation professionals, architects and others.

The "Liveable Communities Forum and Design Workshop," which took place in phases over three months, was heavily attended, according to Scott Standish, chief of advance planning for the county. Many who wanted to attend had to be turned away, he said.

Neotraditional town planning, a concept that

was taken for granted before the advent of post-World War II zoning, has now become a radical prescription for curbing sprawl. It has been advocated by a handful of developers for a number of years, and is just beginning to be

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Many localities considering use of TDR to save farmland

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zoning is not popular with farmers there, said Craig Piefer of Technicon Enterprises in Oley. TDR is an option the township commissioners are exploring as one way to provide equity for farmers. Economic considerations such as how mortgage lenders will respond to the separation of rights need to be resolved, Piefer said. Most likely, a TDR proposal for Oley would be mandatory and similar to Manheim's, Piefer said.

New Jersey townships in no hurry, double check economic effects

In Burlington County, New Jersey, three townships make up a TDR demonstration project with the full blessings of the state legislature, but none of the three have yet enacted an ordinance.

A few months ago, Chesterfield Township brought a proposed ordinance up for vote, then moved to withdraw it, fearing continued citizen concerns and uncertainties about economic affects, according to Chuck Gallagher, Burlington County planner. Another vote could come in April, Gallagher said.

Private consultants had warned Chesterfield Township officials last June that strong support of TDR is essential to its success and acceptance by developers, who would be reluctant to invest in the program if changes or termination of the program were predictable.

"...by demonstrating its unequivocal commitment to the program, the Township can mitigate much of the uncertainty surrounding the use of TDRs, thereby enhancing the value of [TDR] credits," said consultants Jim Nicholas and Lisa Rosenberger.

Meanwhile, two adjacent townships, Mansfield and Springfield, are in a wait-and-see mode. A TDR proposal for Springfield was prepared last September by the Burlington County Land Use Office, in which TDR credits would be based on septic suitability of soils, citing the method as "an objective and equitable way of assigning development potential."

The Springfield proposal also called for new zoning for "village receiving areas" that would allow a mix of residential and small scale commercial and office development, with possible limited industrial development.

Incentives to transfer to village centers and a "multiplier" system

The Chesterfield Township TDR proposal, as well as a TDR proposal for Scott County, Kentucky, include incentives for rights to be transferred for "village and hamlet development", "crossroads communities," or rural clustering. Scott County planners propose a "multiplier" system in which rights transferred from key preservation areas would increase if applied to certain high-growth areas. Special design amenities are discussed as a part of added incentive-based transfers in both the Chesterfield Township and Scott County proposals.

In North Carolina, the very early stages

In Wake County, North Carolina, TDR is discussed as one option in a grab bag of possibilities the county is grappling with as it explores how to preserve open space and a sense of difference between its Raleigh-area communities, something the county has articulated in several discussion papers and pilot studies.

"It is hard to envision how we would coordinate a TDR with extra-jurisdictional areas," said Paul Kron of the county planning department. The county's perimunicipal planning areas could be designated as receiving areas.

Kron believes the first step would be to document loss of farmland in the county, then to define the minimum number of acres required for a productive farm, initial steps taken by other jurisdictions. Kron feels that since the county's purchase of development rights program was well received by farmers, that perhaps TDR would be, too.

Slow to catch on in Maryland

In Maryland, two counties — St. Mary's and Caroline — have enacted voluntary TDR ordinances within the past year, and two counties — Harford and Baltimore — have put TDR up for study. Harford, which already has a strong farmland preservation mandate, would likely pursue mandatory TDR. If it did, it would be the first Maryland county to follow the lead of Montgomery County in designating receiving and sending areas as a prerequisite to enactment.

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Proposed, potential and recently enacted transferable development rights (TDR) programs*

STATUS	TYPE	DIFFICULTIES	COMMENTS	ADDITIONAL DATA**
Enacted Aug. 1990	voluntary	Writing legal documents for transactions.	Enacted as part of comprehensive plan. Has been used.	Pop: 76,000 Land in ag use: 30.3%
potential	likely mandatory		Currently conducting public information sessions.	Pop: 182,000 Land in ag use: 43%
Enacted Jan. 1990	voluntary	Had no set-up for valuing; slow to get started.	Some interest from developers.	Pop: 27,000 Land in ag use: 67.6%
proposed	voluntary		No net reduction in density on farmland; objective is equity.	Pop: 30,500 Land in ag use: 69.8%
potential	-----	Equity for farmers in a high priced land market.	TDR subcommittee recommended more study in its Oct. 89 final report.	Pop: 692,000 Land in ag use: 30.2%
potential	mandatory		Discussed in preliminary draft proposal, Nov. 90.	Pop: 18,600 Land in ag use: 35%
proposed	mandatory	Accommodating increased density.	Working to preserve community character through architectural guidelines. Private consultant.	Pop: 29,000 Land in ag use: 33%
potential	mandatory	Public acceptance may be difficult. Ag zoning unpopular. Sliding scale zoning failed twice.	Using Manheim Township as model. Concentrating on economic questions.	Land in ag use: 70 - 80%
proposed	mandatory	Township has scattered development.	Sending and receiving zones not yet determined. Contained in new zoning ordinance. Public hearing stage.	90% in residential ag zoning — 3 units for 1st 30 acres, one unit for each additional 30.
proposed	mandatory	Tabled Nov. 90. Elected officials desire more public input, support.	Conducting further economic analyses; estimates and ranges on housing costs. Private consultant. Early April vote possible.	Townships in Burlington County with between 3,000 and 5,100 pop. each. Over 77% combined land area in ag use.
potential	mandatory		Closely observing Chesterfield Township.	
potential	-----	High density in rural areas. Downzoning could be necessary.	Elected body has expressed interest. Public has supported purchase of development rights program. Local open space preservation mandate.	Pop: 417,000 Land in ag use: 23.2% (1987 fig.)
Enacted Feb. 1989	mandatory		One acre equals one right. One non-farm dwelling allowed per 40 acres in ag-1 district. One unit per 20 acres in ag-2 district.	Pop: 56,000 Land in ag use: 33%
proposed	voluntary		Zoning allows 1 unit per 5 acres. Certain rights could multiply if applied to certain areas.	Pop: 24,000 Land zoned for ag: 30%

* of telephone surveys to selected states conducted by Bowers Publishing, Inc., Feb. 1991. It is not meant to be all-inclusive, from 1990 census.

Localities exploring TDR

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Talbot County, Maryland has proposed voluntary TDR in which farmers could transfer rights to another farm within their own election district, a move the county is taking to provide farmers with equity, said planner Barry Griffith.

"There is no overall drop in density for farmland, but it would provide equity for the farmer. We can't use traditional TDR. We have a disproportionate size sending area. Rights would be worth very little," he said. If passed, the option would become effective in mid-April.

Queen Anne's County enacted TDR in 1987 and it "gets minimal use — four or five applications a year to transfer a dozen units," said planner Eric Ruby. This year the county is updating its zoning ordinance and that means updating its TDR as well, said Ruby. They will try to create sending and receiving areas — with qualifying factors that would curb the sale of rights on poor soil to be transferred to prime soils, which is what has been happening since the TDR's enactment, Ruby said.

Market study the vital part of getting started

The trouble with most TDR programs begins long before their enactment into law, according to consultant Jim Nicholas, who has worked with the Burlington County, New Jersey initiatives. Implementing a TDR program will be difficult or impossible if planners or elected officials don't thoroughly understand the market and the development process. The result will be receiving areas that don't provide a developer with ample incentives to buy rights.

Nicholas is a professor at the University of Florida College of Law, Growth Management Studies program. The curriculum is the only one of its kind in the nation. The program also serves as a national resource center for planners.

A TDR program must be built around the economic motivation of developers. Real estate market factors and the development process will determine whether TDR once in place, will work to meet the objective.

A 1987 report for the American Planning Association's Planning Advisory Service, *Transferable Development Rights Programs*, identified 35 TDR programs nationwide. Nine of those cited were designed specifically to preserve farmland,

and 14 were designed to preserve open space or to protect the environment, the study noted. However, only half of those cited had been used, and most of those only minimally.

Richard J. Roddewig and Cheryl A. Inghram, real estate and planning consultants and authors of the APA's Planning Advisory Service report, identified six essential steps in developing a TDR system: identifying each participant or party possibly affected by TDR, and their economic motivation; identify receiving areas and analyze development opportunities and profits at various densities; identify and analyze potential sending areas and balance preservation goals with economic forces; decide between a mandatory or voluntary program, and whether to create a TDR bank; keep it simple and flexible; promote the program effectively.

Mandatory TDR programs are those in which the governing body downzones the area to be protected or otherwise restricts development, making prospects in that area are no longer attractive. Voluntary programs are those in which restrictions to property do not apply until the owner voluntarily sells his development rights.

Montgomery County, Maryland's TDR program is the one most often cited as an example of a mandatory program. There, 89,000 acres were downzoned in 1980, changing allowed density from one unit per five acres to one unit per 25 acres. Landowners, however, retained one development right for each five acres.

The Roddewig and Inghram report, now five years old, is still cited as the leading resource for planners creating TDR programs. The report contains detailed discussion on implementing TDR. The report was prepared with resources provided by the Chicago law firm of Siemon, Larsen & Purdy. The firm has worked with many local jurisdictions needing help with growth management and TDR implementation.

Land use attorney Charles Siemon, who has worked extensively on TDR legislation nationwide at both the state and local levels, is surprised at the level of interest in politically conservative jurisdictions such as Scott County, Kentucky considering TDR as a growth management tool. "I was astonished at the level of debate going on about receiving areas," in Scott County, he said.

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Neotraditional town planning needs local zoning reform

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embraced by local planners and elected officials.

The purpose of the forum and design workshop was to create model communities and then to create model zoning standards that would allow such communities to be built, according to Ronald Bailey, Lancaster County Planning Director.

Theoretically, neotraditional town planning could reduce sprawl, saving farmland and open space. It would create sustainable communities complete with goods and services and inclined toward social exchange. Small towns, in the very way they function, ultimately promote human happiness, something advocates such as Florida architect Andres Duany believe is not truly attainable in suburban settings, which he and others dub as sterile environments.

A recent Gallop poll of American lifestyle preferences showed that 34 percent of those polled would prefer to live in small towns, with smaller percentages preferring suburbs (24%), farms (22%), and cities (19%).

Duany, along with partner Elizabeth Plater-Zyberk, created the town of Seaside, on Florida's panhandle, as a town complete with church, town hall, post office, market square, library, school and beach pavilions.

Duany says the blame for urban sprawl should be placed on planning and zoning that has emphasized engineering principles with little or no consideration for social and aesthetic needs.

While many localities have now acknowledged that large-lot zoning does not save farmland, few have succeeded in changing zoning ordinances to allow development of a traditional American town or anything resembling it. Many localities allow some form of cluster development, but few require it as part of land preservation policy. Even within most cluster designs, the same wide streets, lengthy front yards and curb and gutter standards more appropriate for urban settings, remain.

Billions of federal dollars spent on highways and water and sewer facilities after World War II generated the suburban boom of the 1950's and 60's. New zoning laws separated residential from commercial areas, the original intent being to prevent undesirable industries from harming home values.

But by the 1970's, the result of zoning was

bedroom communities, dependence on automobiles, traffic congestion, unaffordable housing, and lack of a sense of place, difficult to articulate but commonly acknowledged.

Now, zoning is making it impossible for innovative yet centuries-old development to take place, said Randall Arendt, director of the Center for Rural Massachusetts. "You must change your zoning before your zoning changes your town," he told listeners at the design forum in Lancaster.

Arendt has been advocating a change in how localities deal with development. The problem is not development itself, Arendt says, but the pattern of development — how it is placed in the landscape. New homes should not have to be spread across an entire parcel, as most zoning mandates, he says. Arendt shows slides of historic villages, showing how they violate present-day zoning: houses too close to streets, street frontages not long enough, lot sizes too small, streets too narrow.

What Arendt calls open-space development, a pattern of development that clusters new homes on a small percentage of a parcel, is a way to preserve open space at little cost. Arendt advocates mandatory open-space design standards for quantity, quality and configuration of open space.

Arendt has written extensively on open space development, and many local and state officials from Cape Cod to Tennessee have embraced his ideas, which are detailed in a manual he helped develop, called *Dealing with Changes in the Connecticut River Valley — A Design Manual for Conservation and Development*.

Arendt is former senior planner for the Southern Maine Regional Planning Commission. While there, Arendt devised a farmland preservation ordinance for South Berwick, Maine, with agricultural land conservation and development standards that are mandatory.

Both neotraditional town and open space development planning are offered by their advocates as potential ways to curb sprawl, both with the result of saving farmland and open space, for use by the farmer and by homeowners, respectively. Both concepts seek to make development and agriculture compatible, not to actually protect farmland from encroachment, a goal many believe is unattainable. Arendt believes open space devel-

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Maximum setback as interim control

MOUNT VERNON, WA — Last year Skagit County commissioners abolished a minimum lot size variance system perceived to be threatening the county's agricultural zones.

While no variances are being granted, county planners are now busy gathering data to determine how much of a threat variances and existing plats actually pose to the integrity and goal of the county's ag zoning policy, according to senior resource planner Kraig Olason. The data is needed as the county updates its comprehensive plan.

Meanwhile, a maximum setback of 150 feet from the front of a parcel for a new home is serving as a temporary emergency measure to stop placement of new homes in the middle of productive farmland parcels.

A right-to-farm ordinance urged by the county's farmers has also been adopted and implementation is underway, Olason said. It is the first right-to-farm ordinance in western Washington.

Since 1979, when the county increased its agricultural zone minimum lot size from 30 to 40 acres, most variance requests have been granted, putting a squeeze on farm operations and encouraging sprawl. The Board of County Commissioners now plans to take responsibility for the review of variance requests, formerly decided administratively.

Increased homebuilding within agricultural zones since the mid-1980's "has led to a changing environment," said a staff report, "from rural, resource production to an urbanizing setting. Frequently, building placement interferes with farming activities."

Late last year a staff report concluded that indiscriminate placement of buildings and a failure to control increasing residential density in agricultural districts were negating the intent of stated county policy.

All building within agricultural districts is required to be accessory to and needed by the farming operation. But placement of these single-family residences on farms has "failed to consider their impact on farming activities. Building placement and future land use activities have not been reviewed prior to granting a building permit," the staff report cited.

A staff proposal that was tabled by the commissioners for later consideration would require that applicants seeking a variance of the 40-acre minimum lot size submit a farm plan for parcels greater than five acres. This proposal, which would require that any parcel greater than five acres be used as an active farm operation with a soil conservation plan was modeled after a similar provision in Clackamas County, Oregon, according to Craig Olason.

Skagit County is 60 miles north of Seattle and the same distance from the Canadian border. It is known for its diverse agricultural industry and particularly for its tulip crops that attract more than 200,000 tourists each year.

In 1989 the county saw the onslaught of growth in the form of three new shopping centers and a proposal for a theme park. The theme of

legislative briefs ...

In New York ... Several bills are being drafted, calling for a state purchase of development rights program, ad valorem taxes, and a conversion tax penalty. Another bill calls for a study to be performed by Cornell University that would document farmland loss, according to Senate staff member Patrick Haynes, (518) 455-2892.

In Pennsylvania ... The legislature will reconvene March 11. A resolution re-creating a land use study committee is expected to pass. A committee studying land use last year produced a report that will soon be available, according to Bill Kent, (717) 787-9516. *Allocations:* The Pennsylvania Agricultural Land Preservation Board has approved spending an additional \$21 million for counties to purchase easements, according to Fred Wertz, state program director. The program has approved 30 perpetual easements on nearly 3,000 acres since 1989. Seventeen counties now have approved programs, and 27 have now formed preservation boards, Wertz said.

In Vermont ... The Vermont Housing and Conservation Board is anticipating \$2 million from property transfer taxes. The governor's capital budget would allocate \$3.5 million if approved.

In Rhode Island ... A resolution that would establish a legislative commission to study land use, preservation, development and regulation, has passed through the House and is in the Senate Special Legislative Committee.

In Virginia ... A bill to enable localities to establish transfer of development rights has once again failed after opposition from the building industry. A bill last year failed, as did one several years prior. This year's defeat made futile the work of a year-long legislative study committee, whose members included building industry representatives.

In California ... The Council on Growth Management, created by executive order Jan 22, will study

For copies of bills or information on items in legislative briefs, call the numbers below.

Vermont	(802) 828-3250
Rhode Is	(401) 277-2781
Virginia	(804) 786-6530
Maryland	(301) 225-4562
California	(415) 543-2098
New Jersey	(609) 265-5787
Michigan	(517) 886-0555

growth issues and work to formulate a comprehensive approach to solving growth problems.

A joint resolution has been introduced that urges Congress to appropriate funds for the Farms for the Future Act in its 1992 agriculture appropriations bill. The U.S. Dept. of Agriculture, responsible for issuing regulations for Act, reports it may take seven months to complete them.

In Maryland ... The Maryland Association of Counties (MACO) will ask legislators to set aside the proposed Maryland Growth and Chesapeake Bay Protection Act to fully examine individual counties' plans. MACO will recommend that a study committee be formed, with heavy participation by local planners.

MACO and other groups say the commission that formulated the proposed planning initiative failed to adequately involve local planners during the proposal's development. That, they say, resulted in a proposal that does not allow for wide variations in growth patterns in the state's 23 counties, some of which have recently updated their zoning ordinances.

Environmental groups and local governments have formally opposed a state budget proposal that would take \$40 million in funds from the state's open space and farmland preservation programs.

In Wisconsin ... No related bills yet introduced.

In Michigan ... TDR enabling legislation has not yet been introduced. A change in the governor's office has affected the push for TDR. A bill may be introduced in late spring.

In New Jersey ... An appropriations bill for preservation funds is still in committee.

Local zoning targeted for innovation

continued from page 5

opment ordinances need to be in place in light of the costs of purchasing development rights.

In Lancaster County, Pennsylvania, a strong local purchase of development rights program strengthened with state funding, as well as an active land trust are working to preserve as much farmland as funds allow. Several of the county's townships are looking at other innovative means to strengthen farmers and protect land.

But local planners, developers and architects there have now fully acknowledged that farmland preservation is not a program that has to operate in a vacuum. Land development techniques can lessen the threat of encroachment on farmland, and make development that does occur more harmonious with its rural surroundings.

Now, that acknowledgement must become manifest in local zoning ordinances. Townships, each with their own zoning powers, now have decisions to make.

A local architect said after the design forum, "the idea is enlightening. But the planning commission and the county are only empowered to come up with the idea. It's up to the 62 municipalities to embrace it."

Contact: Scott Standish, (717) 299-8333; Randall Arendt, (413) 545-1830.

Avoiding tax on easement payments

LANCASTER, PA — Lancaster County farmland preservation officials have asked the Internal Revenue Service for a private letter ruling on whether farmers can use proceeds from the sale of development rights to invest in other real estate, thus avoiding capital gains tax, according to Tom Daniels, director of the Lancaster County Agricultural Preserve Board.

Tax-free "like-kind" exchanges are a way to avoid paying up to 28 percent in capital gains taxes by purchasing or investing in other real estate with the money from the sale of property. The IRS considers it an even swap, in which no cash gain was made.

A like-kind exchange in which property is purchased with easement proceeds, however, hasn't yet been done, said Daniels.

"A number of farmers have done [a like-kind exchange], but not with easement money," Daniels said. With the approval of the IRS, like-kind exchanges with easement proceeds "would have major implications nationwide," for both local government and land trust easement transactions, Daniels said.

An attorney specializing in tax law has advised the board that such transactions would qualify under the exchange provision.

"A private letter ruling doesn't fully establish precedent. But if the IRS takes a stand one way and similar situations come up, they have to be consistent," Daniels said. "It's amazing to me no one has done this yet." The private letter ruling is expected by July.

Contact: Tom Daniels, (717) 299-8355.

Maximum setback

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the park that would have been constructed on 40 acres of prime farmland was, ironically, a "celebration of Northwest agriculture." The proposal was withdrawn after public opposition.

That opposition evolved into an incorporated citizen organization that is now working with the county in writing the new comprehensive plan. Skagitonians to Preserve Farmland boasts more than 5,000 members, including active professionals, and publishes its own newspaper. The group is evaluating types of programs for farmland retention, which will result in the plan's agricultural land section.

The county planning staff last year explored the idea of zoning for an agricultural industrial park, in which businesses that support farm operations would be able to locate more easily than within town boundaries. That idea is on hold while the staff struggles to update a comprehensive plan adopted in 1973 and keep up with the state growth management law. "We're reacting to timelines and changes in the state law. It has been a drain on staff," said Olason.

Last year the Washington legislature enacted planning requirements for the state's fastest growing counties and municipalities. Most jurisdictions are just beginning implementation, which includes comprehensive planning to direct growth.

Contact: *Kraig Olason, (206) 336-9458.*

Localities struggle with TDR's complexities

continued from page 4

The law firm of Siemon, Larsen & Purdy, which has an extensive library of TDR documents and literature, is presently preparing material for two counties that are preparing handbooks on growth management for their municipalities. TDR is included as a recommended

growth management tool in both handbooks. "It's just amazing the number of municipalities authorizing or pursuing TDR," Siemon said. "There's clearly a much more active use than I ever expected."

TDR: the experts

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*Implements receiving zone
allocations for the Montgomery
County, Maryland program*

resources ...

Publications

• *A Thirst for History: An Assessment of the Compatibility of Federal Rural Development Programs and Historic Preservation*
National Trust for Historic Preservation
Washington, D.C., 1991

The report demonstrates that overwhelmingly federal rural development programs miss opportunities to protect and use America's rural heritage. While some agencies are meeting their legal obligation to avoid harm, few agencies are actively working to care for and preserve this valuable resource. Executive summary available from the Farmers Home Administration March 8. Call 202 382-9619.

• *The Effects of Agricultural Zoning on the Value of Farmland*
Resource Management Consultants, Inc.
Washington, D.C., 1991

Just completed for the Maryland Office of Planning. Does ag zoning affect land value? Does it affect a farmer's ability to borrow? This study looks at ag land sales in a number of Maryland counties before and after ag zoning ordinances for evidence of drops in land value. No correlation could be found. Available from the Maryland Office of Planning, 301 225-4562.

Conferences

Feb. 28: Timonium, Md. "Sustainable Agriculture in the Chesapeake Bay Region" sponsored by the University of Maryland, the Chesapeake Bay Foundation, the Rodale Institute and the Institute for Alternative Agriculture. Speakers include Dick Thompson. Topics will include national and state programs, biocontrol, cover crops, fruits and vegetables and tillage. Registration is \$20. Call Jim Hanson at (301) 627-8440.

August 4 - 7: Lexington, KY. "Living with the Land" the 46th annual meeting of the Soil and Water Conservation Society. The meeting will focus on protecting and managing the land according to its carrying capacity. Confirmed speakers include Wendell Barry and William K. Reilly. Fifteen concurrent sessions include topics in growth management, conservation policymaking, Food Security Act implementation, encouraging change. For information call (515) 289-2331.

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Easement offers are stalled as Maryland battles deficit

ANNAPOLIS, MD – A bill that would allow Maryland Gov. William Donald Schaefer to remove millions in funding from the state's farmland preservation and open space programs was introduced Jan. 21.

Already, easement offers made under the Maryland agricultural land preservation program are being stalled as state leaders decide how to alleviate the deficit, according to several county program administrators.

The Budget Management Act, SB 230, would allow the governor to remove up to \$17 million from agricultural land preservation funds. The governor could also remove up to \$23 million from Program Open Space funds.

Twelve easement offers for farms in Baltimore County, where land values, thus easement offers are high compared with most other counties, are now held up by the Board of Public Works.

"We're devastated by the state plan [to remove funding]," said Paul Solomon, Baltimore County

farmland preservation administrator. Some landowners have quickly lost faith in the program, he said. "In practice it has been a sure thing," to receive a check once an offer has been accepted, Solomon said. Now, lawyers and banks want to know when the checks are coming, he added.

The Board of Public Works consists of the governor, state comptroller and state treasurer.

If \$17 million in funds were removed from the agricultural land preservation program, the purchase of development rights process would experience a backlog of offers waiting for funds, according to Leonard Lowry, chairman of the Board of Trustees of the Maryland Agricultural Land Preservation Foundation. "It sure would slow us down for a while," Lowry said.

For the state's Program Open Space, established in 1969 to acquire conservation and scenic areas, a loss of \$23 million "will delay a number

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Farmland protection initiatives on tap for McHenry Co., II.

WOODSTOCK, IL — McHenry County, which 10 years ago helped develop the federal Land Evaluation and Site Assessment (LESA) system, is now a metro area county under seige by development, according to county board chairman Ann Hughes.

A request by a town in the southeast section of the county to expand its facilities planning area (FPA) into 2,400 acres of prime farmland is the catalyst, Hughes said, for bringing farmland preservation to the forefront of county affairs.

The FPA expansion request is currently under consideration by the Illinois Environmental Protection Agency. The state Department of Agriculture's Bureau of Farmland Protection, which has a mandate to protect farmland from urban encroachment,

has opposed the expansion entirely, while the Northeastern Illinois Planning Commission has approved an expansion into half the acreage requested.

The decision by the Illinois Environmental Protection Agency "will be a precedent setting

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Illinois county leader seeks farmland protection initiatives

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case," said Jim Hartwig of the state Department of Agriculture, who has noted similar upcoming cases.

Hughes said that although the county planning department helped to develop the LESA system in 1981 as a tool to protect farmland, the McHenry County Board never adopted LESA.

But now the county needs more in the way of farmland protection than LESA could ever have assured. Hughes said the county needs planning and zoning tools to contain growth in urbanizing areas and away from farmland. "Nobody has really sat down and talked. There has been no dialog," about farmland preservation, Hughes said. By the time issues are addressed, conflicts are often beyond easy remedy, she added. "McHenry County is the classic example of urban/rural conflicts. We have no tools but ag districting. We haven't talked about PDR," said Hughes.

Farming in Chicago Metro Region

County	Farmland acres	
	1969	1987*
Cook	92,883	46,907
DuPage	71,204	25,432
Kane	275,228	227,936
Lake	110,669	82,349
McHenry	289,656	265,908
Will	393,460	328,729
Total	1,233,100	977,261

* Most recent statistics available from U.S. Census of Agriculture

Steve Chard, chief of the state Department of Agriculture's Bureau of Farmland Protection, believes McHenry County could consider a purchase of development rights program. "McHenry County could be a trendsetter in regard to that, but I don't know if it would be economically feasible," he said. No purchase of development rights programs are in use in the state, he said. He added that the county could adopt new zoning ordinances.

The deepest concern for the future of farmland in the county, Hughes said, can be found in the county land records. "There are vast areas of land no longer owned by the operators," she said. Large parcels are increasingly owned by investor groups

and other development interests. Some of these parcels contain between 2,000 and 3,000 acres.

McHenry County Defenders, a citizens group, found that about 60 percent of the county's farmland is leased, according to Jerry Paulson, executive director. Paulson did not know what percentage of acreage was owned by investment groups.

The McHenry County Defenders agrees that land speculation will be the single most disturbing element in attempting to build a workable farmland protection initiative. It portends little support from landowners for preservation objectives.

"The biggest part of the battle is already lost," said Jerry Paulson. "I'm sure there are no real farmers left in the eastern half of the county," he said. He believes that even in the largely rural western half of the county, farthest from the metro area, many large parcels are held by investors.

Paulson believes that allowing greater densities in urbanized areas, more use of clustering and conservation easements could help in protecting McHenry County's remaining farmland.

Contact: Ann Hughes: (815) 338-2040; Steve Chard, (217) 782-6297.

National Trust study on rural development due in March

WASHINGTON, DC — A National Trust study on how federal rural development policies affect historic preservation objectives will be released in mid-March, according to Marilyn Fedelchak, coordinator of the National Trust for Historic Preservation rural initiative. The study was originally slated for release in December 1990.

The study assesses the compatibility of rural development and historic preservation, two federal policy areas, Fedelchak said. Twenty-three agencies, 47 rural programs and 23 non-metro counties are part of the study.

The National Trust has held that USDA policies have resulted in the demolition of historically valuable sites. The study will point to ways old or existing buildings can be used for operations when conditions allow, according to Sam Stokes, a Washington-area consultant in historic and cultural resources who worked on the study.

Contact: Marilyn Fedelchak: (202) 673-4045.

Funding loss would delay easement offers in Maryland

continued from page 1

of acquisitions pending before the Department of Natural Resources," said Mike Nelson, assistant secretary for capital programs. POS is funded through a one-half of one percent tax on land transfers. The farmland preservation program receives \$5 million from this fund, while receiving most of its funding from a separate agricultural land transfer tax, assessed on all real property transferred out of agricultural use.

In the farmland preservation program for fiscal year 1991, 43 easement offers have been approved, totaling \$10.3 million, Lowry said. If \$17 million was removed from the foundation's budget, "we would not have enough to settle on these," Lowry said, and the foundation would not be able to make further offers "for a while," he added.

Appraisals have been ordered for 188 program applicants, Lowry said. A total of 401 landowners

have applied to sell development rights in fiscal year 1991, he said. "Normally we would begin to make offers in our February/March meetings, but we'll have to put it on hold," if the governor reduces their budget, Lowry said.

Maryland still leads the nation in the number of acres protected in agricultural districts as well as in acres permanently preserved through easement. In 1990 the program logged a 20 percent increase to bring the number of acres enrolled in the program to 194,388. Also in 1990, 12,665 acres were brought under perpetual easement in the state's purchase of development rights program, bringing the total of permanently protected acres to 91,488 since the program's start in 1977.

Contact: Leonard Lowry, (301) 739-0371; Mike Nelson, (301) 974-7947; Paul Solomon, (301) 887-2904.

Conservation coalition seeks broader transportation policy

WASHINGTON DC — A coalition of conservation organizations will move to broaden federal transportation policy to integrate land use planning into transportation projects, according to Sarah Campbell, coalition project director.

The group also seeks to provide more incentive for mass transit initiatives and to urge less emphasis on new highway construction, Campbell said.

About 80 organizations, including the American Planning Association, the National Trust for Historic Preservation, and the Environmental Defense Fund, have formed the Surface Transportation Policy Project to promote a conservation agenda that will seek fundamental changes in the Surface Transportation Assistance Act, Campbell said.

The Act, like the farm bill, is reauthorized by Congress every five years.

The Project will recommend that federal funding be available for projects that include conservation activities such as acquisition of scenic, recreational and historic easements and preservation of abandoned rail corridors. The coalition may also recommend that apportionment be structured to require states to spend not less than eight percent of funds apportioned to them for such activities.

The coalition will seek to "rebuild the link between transportation investment decisions and comprehensive planning, and encourage the con-

sideration of conservation and preservation actions at the earliest stages of planning," said a draft position paper.

Another group, the Campaign for New Transportation Priorities, will also recommend that there be federal incentives for better coordination of transportation and land use planning, according to Hal Heimstra, policy director for Scenic America, a nonprofit organization.

The federal government, the group states, should make matching grants contingent upon use of regional land use planning and growth management in population centers of 50,000 or more.

Last month the Federal Highway Administration released a summary of environmental and energy elements in the new transportation bill. Areas with over 200,000 people will be required to coordinate land use planning with transportation planning, to consider the impacts of development on transportation needs. Opportunities for transportation corridor preservation would also become part of the process for approval of federal funding for transportation.

While the administration proposal is an improvement over current policy, "we still need to shift to other transportation modes," said Hal Heimstra, "and get away from more highway development and more farmland conversion."

Contact: Sarah Campbell, (202) 673-4235.

Florida planning: laying down the law against urban sprawl

TALLAHASSEE, FL — Opposition to Florida's 1986 growth management law continues to simmer in the state's rural jurisdictions, where local officials claim the law infringes on property rights, according to Robert G. Nave, director of the Division of Resource Planning and Management within the state Department of Community Affairs (DCA).

In 1986 the Florida legislature passed the Local Government Comprehensive Planning and Land Development Regulation Act. To be in compliance, local governments must establish comprehensive plans consistent with state guidelines. The law requires counties to establish strategies that effectively curb sprawl. The DCA is the agency that administers the law, and reviews local plans for compliance.

As defined by the state, urban sprawl is "leapfrog development, ribbon or strip development; and, large expanses of low-density, single-dimensional development."

While some local officials have genuinely misunderstood the state's requirements, some special interest groups have made "a deliberate attempt" to misinform the public on the law's intent, Nave said. The department's top officials have spent many hours on the road talking with rural area officials about the state's true objectives, Nave said. "The Department is not opposed to rural development," he said, "but it has to be compatible with development in rural lands."

The state is negotiating with localities to correct sprawl-inducing zoning patterns. "If these communities want higher density, they will need more development controls," Nave said. If the locality cannot administer controls such as open space zoning, clustering or other techniques, the state will accept lower density zoning, Nave said, even though the state cites large-lot, low-density zoning as a license for sprawl.

Robert Pennock, chief of local planning, said the objective is to improve protection of rural areas. "As we work with local governments, we're not creating perfect plans — we're just trying to protect rural areas more than would happen otherwise," he said.

Downzoning from one unit per acre to one unit per five acres may not be an anti-sprawl measure, but "it depends on the community and the overall development pattern," Nave said, as to whether it

is an acceptable move. "We look at the amount of growth projected. What we want is a healthy development pattern. We have to look at each community on its own merits."

The DCA to date has reviewed 262 comprehensive plans from the state's 67 counties and 391 municipalities. Of those reviewed, 114 were found to comply with state guidelines, with another 46 brought into compliance through agreements, according to Richard Morgan, director of communications for the department.

Forty-one localities are presently out of compliance with state requirements and 61 are presently working with agreements to reach compliance, Morgan said.

Of the 41 not in compliance, Morgan said, most were cited for failure to discourage urban sprawl, particularly for failing to use techniques other than low-density zoning to protect rural areas.

The DCA encourages use of approaches that establish patterns of development that allow for maximum open space and minimum disruption to farmland and community character. Florida law allows use of open space zoning, clustering, overlay districts and floating zones, two-tier density programs, mixed-use districts, planned unit development, sliding scale zoning, exclusive agricultural zoning, and transfer of development rights. The law also allows for establishment of purchase of development rights programs.

Florida's growth management statutes require local governments to "discourage" urban sprawl. The DCA interprets the law as requiring *prevention* of sprawl, and reviews local plans accordingly.

The DCA works under the premise that if a local plan fails to contain adequate anti-sprawl measures, it will also fail to meet other requirements for conservation and resource protection as well as for adequate facilities provision. Many of the plans that failed the compliance test failed in the latter category, not meeting the state's "concurrency" law, that is, having adequate public facilities in place concurrently with new development.

Robert Nave said he expects continued attempts from the state's homebuilders to weaken the growth management law, but the newly elected governor has shown support for the law, he said. *Contact: Robert Nave, (904) 488-2356; Dick Morgan, (904) 488-8466.*

Interjurisdictional compatibility sought in state planning

Coordination of land use planning between adjacent jurisdictions is gaining a foothold in states with established or proposed statewide planning guidelines or mandates, according to officials in Florida, Oregon, Washington and Maryland.

In Florida, where comprehensive planning is required of all localities, intergovernmental coordination is a required element of local plans. Counties identify goals, objectives, policies and development that may be incompatible with those of adjacent counties and municipalities.

Most coordination, however, occurs between counties and the municipalities within their boundaries, according to Robert Pennock, chief of the Bureau of Local Planning at the Department of Community Affairs. Coordination occurring between counties, he said, is usually over issues such as siting of solid waste or potable water facilities, not over rural development or preservation issues. Some regional planning councils in the state — there are about a dozen — address rural issues to encourage consistency between local plans, an objective that "is working to some degree," Pennock said.

In Oregon, where state-mandated land use planning contains two goals that relate directly to farmland preservation, coordination "has become a buzzword" according to Mitch Rohse, communications manager for the Department of Land Conservation and Development, which administers the statewide planning requirements.

Oregon counties must coordinate with municipalities inside their borders, and state agencies must comply with local plans. Even though county-to-adjacent county coordination is not required by Oregon statutes, Rohse believes a majority of counties coordinate with adjacent counties in land use planning processes.

Three counties and their municipalities, those that make up the Portland metro area, however, are required by the state planning law to coordinate their planning.

Rohse said that state standards in Oregon have been a catalyst for interjurisdictional cooperation, because localities now have goals and guidelines in common.

Some Oregon jurisdictions, however, may feel little need to engage in formal coordination with neighboring counties, because the state plan en-

ures appropriate zoning, said Russ Nebon, planning director for Marion County and lobbyist for the Association of Oregon Counties.

Nebon agrees that county-to-county coordination in Oregon is occurring, but on an informal basis, and most often on particular issues rather than on comprehensive planning in general.

"It's a courtesy thing professional planners do," he said, and usually it occurs in "a use-specific situation. When you have state land use planning, the level of confidence that adjacent counties are doing the right thing is a lot higher — we're all playing from the same playbook."

Last year Washington state mandated comprehensive planning in the state's most populous counties, urging the use of innovative land use techniques, and requiring coordination between adjacent jurisdictions. In the current legislative session, amendments to Washington's new growth management law call for "fair share siting of public facilities" and optional regional cooperation for economic development and open space planning.

In addition, coordination to determine the effects of one locality's transportation planning on an adjacent locality is a mandatory element of local comprehensive plans.

Since the passage of Washington's growth management law last year, interjurisdictional cooperation has been discussed extensively by the state's local officials, according to Michael J. McCormick, assistant director of the Local Government Assistance Division, Department of Community Development. "I would say yes — there have been substantive discussions about what this means and how it will work."

The only problem with interjurisdictional cooperation under Washington's comprehensive planning law is that the law itself is not comprehensive — only the state's most populous counties are required to comply. Other counties may opt to comply, and conflicts have already surfaced, McCormick said.

Pacific County, the state's southernmost coastal county, opted to comply with state standards as a means to protect its agricultural land, but its neighbor, Grays Harbor County, did not. The two counties share a cranberry industry and differing philosophies about land use planning are now creating

Proposed amendments would toughen Washington Growth Management Act

SEATTLE, WA — Amendments to Washington state's 1990 Growth Management Act that would strengthen requirements for preserving farmland, open space and the character of existing communities were introduced Jan. 16.

The Growth Management Act enacted last year requires the state's fastest growing counties and municipalities to establish comprehensive plans, and sets guidelines on how growth should be directed. It also established funding sources for open space acquisition and infrastructure. Most jurisdictions affected are now beginning to implement the new requirements, according to Michael J. McCormick, assistant director of the Local Government Assistance Division, Department of Community Development. The first task is to inventory resource lands, including farmland, he said.

The amendments, as HB1025, call for enforcement provisions that would enable the governor to decrease appropriation levels and withhold revenues to jurisdictions not in compliance with state planning guidelines.

The amendments significantly broaden the intent of the law, calling for state guidelines and assurances for land use planning while keeping growth management decisionmaking — and accountability — at the local level. The amendments also call for the establishment of a growth management board to review plans and development regulations.

The new legislation arose from recommendations of the Growth Strategies Commission, appointed by former Gov. Booth Gardner in August 1989 to advise on ways to preserve land while accommodating and directing growth. The amendments represent Commission findings, and further define the state's planning mission.

An amendment to the language defines open space as land that, if protected, would "conserve and enhance scenic, viewshed resources; provide scenic amenities and community identity within and between areas of urban development," as well as provide other results. Agricultural lands are defined as part of "natural resource lands."

The proposed legislation calls for new development to be designed "to respect the planned and existing character of neighborhoods," and for open spaces and natural features to be preserved within urban areas. The new state guidelines urge localities to explore innovative techniques to preserve farmland and open space.

A county must comply with the Growth Management Act if: 1) it has 100,000 or more residents; 2) it has 50,000 or more residents and has had its population increase by more than 10 percent in the last 10 years; or, 3) its population has increased by more than 20 percent in the last 10 years. Currently, 23 counties are beginning implementation by requirement or at their option.

Among other land use elements, comprehensive plans must designate agriculture and open space land as well as a rural element, that would permit land uses that are compatible with "the rural character of such

legislative briefs ...

In Maryland ... In a move to make statewide planning more palatable to localities, Gov. William Donald Schaefer has removed uniform density limitations from the proposed Maryland Growth and Chesapeake Bay Protection Act that many counties found objectionable. In addition, implementation of the law would be delayed. Standards for development are currently unspecified.

A deficit reduction bill, SB 230 would allow the governor to transfer up to \$17 million of farmland preservation funds to the general fund on or before June 30. Up to \$23 million could be transferred from Program Open Space funds.

In addition, HB 57 and HB 59 would alter the distribution of revenue from the state land transfer tax, reducing funds available for Program Open Space in FY92 and FY93.

In Oregon ... Several land use bills are in the draft stage that will deal with the state's periodic review process for the state plan, enforcement and procedures for hearings.

In Pennsylvania ... Legislation that would alter the preferential tax assessment program could be re-introduced this session.

A House resolution will be introduced to reinstate the House Select Committee on Land Use and Growth Management. Committee recommendations would likely lean heavily toward strong planning efforts at all levels of government, according to Bill Kent, research assistant at the state capitol.

Key legislators are preparing for participation in the federal Farms for the Future Act.

In Vermont ... The administration's Budget Adjustment Act calls for removing \$1.5 million from the Vermont Housing & Conservation Trust Fund. The fund has been used to award grants for the preservation of farmland. In 1988 the legislature appropriated \$20 million to the fund, and committed a portion of the state's land transfer tax to it.

In Delaware ... Legislation is being

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For copies of bills or information on items in legislative briefs, call the numbers below.

Maryland	(301) 692-2708
Oregon	(503) 373-0050
Penn.	(717) 787-9516
Vermont	(802) 828-2231
Delaware	(302) 678-3262
Wisconsin	(608) 266-6963
Rhode Is	(401) 277-2781
Calif.	(916) 324-0860
New Jersey	(609) 984-2504
Washington	(206) 586-3668
Virginia	(804) 786-6530

drafted for the Delaware Grange that would establish agricultural districting. The legislative session continues through June 30.

In Wisconsin ... A bill that would increase tax benefits for farmers in the farmland preservation program will be introduced.

Discussions between the American Farmland Trust and key legislators to establish a pilot project for purchase of development rights on farmland within the state's Stewardship Program is ongoing.

In Rhode Island ... A joint resolution before the House — 91-H5156 — would establish a legislative commission to study land use, preservation, development and regulation, with an appropriation of \$25,000.

Resolution 91-H502 — An Act relating to cities and towns' comprehensive planning and land use — would extend until Dec. 31, 1991 the period for towns and cities to develop comprehensive plans for protection of natural resources and balance of housing choices.

In California ... A move to reorganize and rejuvenate the state's conservation districts may go forward if compromises can be reached between the state Department of Conservation and the state Association of Conservation Districts.

A bill to increase subvention payments to counties for farmland receiving tax breaks under the Williamson Act will be introduced. The bill is very similar to SB 2363 that died in the Senate Appropriations Committee last year, according to Peter Detwiler, consultant to the Senate Committee on Local Government.

Open space: State, local definitions

Definitions of open space at the state and local level vary in degree but emphasize aesthetics.

Washington state draft legislation defines open space as land that, if protected, would "conserve and enhance scenic, viewshed resources; provide scenic amenities and community identity within and between areas of urban development."

The Florida Department of Community Affairs defines "open spaces" as "undeveloped lands suitable for passive recreation or conservation uses."

Wake County, North Carolina is developing a plan to

preserve open space between towns and inventoried a highway corridor taking note of "visual resources." These include "vistas, water bodies, natural vegetation, and an absence of signs. Vistas include views of sweeping pastoral scenery with rolling hills, cultivated fields, and farm related structures."

Any definition of open space "should be all-inclusive," incorporating farmland, forests, wildlife habitat, wetlands, buffer areas, etc., according to Jeff Lacy of the Center for Rural Massachusetts, at the University of Massachusetts at Amherst.

The Center has acted as an advocate of open space zoning, that is, cluster zoning with an aesthetics booster built into the development regulations to preserve the character of rural communities and land for agriculture. The concept of open space zoning has spread throughout New England and to the mid-Atlantic states, largely through the work of the center.

About half of land use ordinances in Massachusetts have options for open space preservation, Lacy said. About a dozen municipalities mandate open space preservation to protect aquifers and prime farmland.

"Token open space requirements are in a lot of ordinances. More meaningful requirements are slower to catch on," he said. Recently, the center has seen more open space development design requiring 50 percent or more of the parcel left open, he said.

Contact: Jeff Lacy, (413) 545-1830. Wake County, (919) 856-6310.

Meanwhile, an executive proposal to cut budgets by 4 percent across the board, including subvention payments, has been drafted.

A bill that would require local general plans to include an agricultural element could be introduced later in the session, according to Erik Vink of the American Farmland Trust.

In New Jersey ... A revival of the conversion tax bill that was introduced in the 1988 legislature is being discussed. The conversion tax would be triggered upon dwelling permit approval, and revenues would be dedicated for preservation. The former bill proposed two cents per square foot of floor space.

An appropriations bill to secure \$19 million from designated preservation funds is at the committee level.

In Washington ... Hearings and work sessions have begun on amendments to the 1990 Growth Management Act. The Department of Conservation and Development has reported that 85 percent of the state's population now falls under state-mandated planning. About one-half of the 23 counties now in the early stages of implementing the act were required to do so, with the remaining having opted to do so.

In Virginia ... A TDR enabling bill, HB1833, was in the Counties, Cities and Towns Committee at press time.



Interjurisdictional compatibility

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contention, according to McCormick. Thus, interjurisdictional cooperation may be only as operational as the law is comprehensive.

In Maryland, Gov. William Donald Schaefer is urging passage of a statewide planning initiative that includes a component for testing interjurisdictional compatibility. Localities would be required to describe how their plans are compatible with adjacent local jurisdictions, "as well as identify areas where programs are incompatible either because decisions have been deferred pending the outcome of further study, or there is an impasse."

The issue of interjurisdictional compatibility evolved from observations made by state planners over the years, according to planner Henry Kay of the Maryland Office of Planning.

For example, Montgomery County's agricultural reserve, which permits one dwelling unit per 25 acres, borders Howard County's one unit per three acre zoning. Montgomery County's agricultural preserve is also feeling pressure from Frederick County on its northern border.

Similar problems crop up between other counties in the Baltimore-Washington metropolitan area, Kay said. Differences in local planning styles can also be cited as the cause of inefficient use of infrastructure, particularly roads, he added.

Washington could toughen planning standards

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lands and provide for a variety of rural densities and do not foster urban growth." Conservation, solar energy, historic preservation and cultural resources are optional elements.

Comprehensive plans would des-

ignate "urban growth areas" where growth would be encouraged, and outside of which growth could only occur if it is not "urban in nature." Counties would also be required to establish a process for reviewing "new communities" for which new infrastructure is provided and self-containment is a prerequisite.

The Growth Management Act of 1990 authorized localities to impose impact fees to help finance public facilities, defined as roads, sidewalks, lighting, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities and schools.

New minimum guidelines for classifying agricultural land were submitted for review last month. The U.S. Soil Conservation Service Land Evaluation and Site Assessment (LESA) system is proposed for use by local jurisdictions. The guidelines will be considered for adoption by the Department of Community Development in early February, according to Steve Wells, program coordinator.

Contact: Mike McCormick, (206) 753-2200; Steve Wells, (206) 753-4316.

resources ...

Publications

• *Soil Conservation in the United States — Policy and Planning*

By Frederick R. Steiner

Johns Hopkins University Press. 249 pp. \$18.50

This book examines the gamut of soil conservation policy and practice and proposes a national soil conservation policy, calling ultimately for the implementation of standards that would lower the nation's soil erosion rate to virtually zero by the year 2025. Steiner's vision is vital and timely, as sustainable agriculture practices that can slow or eliminate soil erosion have begun to enter the mainstream of American agriculture. Includes four case studies, tables and photos. Nov. 1990.

• *1991 Conservation Directory*

National Wildlife Federation, 396 pp. \$18

An annually published reference guide. Lists federal agencies, departments and offices, as well as na-

tional, international and regional organizations and commissions, state environmental agencies and citizens' groups in the natural resource, environment, conservation, and wildlife fields. A new subject index has 60 categories including land use planning, endangered species, water pollution, and environmental law. Also includes publications index. Call (202) 797-6800 for order forms or information.

Conferences

Feb. 13 - 15: Orlando, Fl. "Rural Planning and Development: Visions of the 21st Century," organized by the Dept. of Urban & Regional Planning, University of Florida, Gainesville. Papers to be presented include topics on impacts of rural land conversion; growth management through purchase of development rights; adapting agriculture to urbanization; protection of rural lands and community character; alternative private methods for the conservation of open space; the role of ag land in statewide planning efforts in New Jersey, Maryland, Florida and Oregon. For information call Earl Starnes or Ivonne Audirac at (904) 392-3258 or 392-0997.

Feb. 28: Timonium, Md. "Sustainable Agriculture in the Chesapeake Bay Region" sponsored by the University of Maryland, the Chesapeake Bay Foundation, the Rodale Institute and the Institute for Alternative Agriculture. Speakers include Dick Thompson. Topics will include national and state programs, biocontrol, cover crops, fruits and vegetables and tillage. Registration is \$20. Call Jim Hanson at (301) 627-8440.

March 7, 8: Washington, D.C. "Saving the Land that Feeds America: Conservation in the 90's" organized by the American Farmland Trust and co-sponsored by 22 agriculture, conservation and land-use organizations. Workshop topics include role of land trusts in ag conservation; directing state infrastructure away from farmland; local innovations in farmland preservation; financing farmland preservation; TDR, past and future. Call AFT's Margot Wolman at (202) 659-5170.

August 4 - 7: Lexington, KY. "Living with the Land" the 46th annual meeting of the Soil and Water Conservation Society. The meeting will focus on protecting and managing the land according to its carrying capacity. Confirmed speakers include Wendell Barry and William K. Reilly. Fifteen concurrent sessions include topics in growth management, conservation policymaking, Food Security Act implementation, encouraging change. For information call (515) 289-2331.

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... covering the policies, practices and initiatives
that promote farmland and open space retention

Budget cuts cripple easement programs in the northeast

State revenue shortfalls and resulting budget cuts throughout the northeast have left some farmland preservation programs severely underfunded, with little money for administration and little or no money for purchase of development rights, according to officials in 10 states.

Massachusetts, described by many as the state hardest hit by recession over the past year, has 122 easement applications processed that are "sitting and waiting for money to come along," according to Rich Hubbard of the Agricultural Preservation Restriction Program in the state Department of Food and Agriculture. "To sit and see all these applications waiting for funding and not being able to do anything is very frustrating," he said.

More than 13,000 acres valued at \$47 million, await contract conclusion, Hubbard said. Thirteen applications are in the final contract stage, representing \$4 million in acquisitions. On these, said Hubbard, "we could close tomorrow if we had funding." Some of the properties are considered prime parcels in key locations, Hubbard said,

adding the department fears the funding shortfall will cause some applicants to withdraw.

The department also has a line-up of applications in the early stages of approval.

"We're faced with needing to go after new funding," said Hubbard. "Our only hope is the Farms for the Future Act, if money is appropriated," he said, referring to the portion of the 1990 Farm Bill that will provide loan guarantees and interest rate subsidies to states with farmland preservation programs.

The department hopes the federal aid potential will spur the state legislature to continue funding for the program and to provide the legal framework for the state's repayment under the 10-year loan program.

At the University of Massachusetts at Amherst, the Center for Rural Massachusetts, headed by open space zoning advocate Randall Arendt, is anticipating weakened support from the legislature in upcoming budget sessions. "Our staff has been reduced to part-time em-

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Statewide planning, zoning criteria proposed for Maryland

ANNAPOLIS, MD — Draft legislation that would create state overview of planning and zoning has been sharply criticized by local planners and elected officials as putting too much land use authority in the hands of the state.

The Proposed Maryland Growth and Chesapeake Bay Protection Act of 1991, drafted by a committee of the Governor's Commission on Growth in the Chesapeake Bay Region, would create four statewide land use categories, and require counties to complete transition to all state program mandates by the end of 1993.

The legislation would require conformance to criteria designed to channel 65 percent of new

households over the next 20 years into designated "developed" and "growth" areas. Within the two zones, the criteria call for a minimum average residential density of 3.5 dwelling units per acre, and sufficient industrial and

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Backlog of applicants, little money in northeast programs

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ployment because of budget cuts and the outlook is quite uncertain," Arendt said. Every salary at the Center was cut by 20 percent recently, he said.

The Center was established by the legislature in 1984 to conduct research and advise communities on how to manage growth.

In Vermont, a budget cut of 23 percent and a proposal by the agriculture commissioner for further personnel cutbacks could leave the Department of Agriculture with only 20 hours of staff time per week for its development rights acquisition program, according to Amy Jestes, agricultural land use planner for the department. "We're anticipating not doing much in easement acquisitions in 1991," she said.

Vermont's program began in 1987 and quickly garnered \$20 million in funding, followed by more than \$7 million in bond proceeds. "Now the program is a line item on the capital bill," competing for funding among other capital improvements projects, said Dave Dolan of the Vermont Housing and Conservation Board. The Board administers a trust fund that awards grants and loans to subsidize land protection projects including farmland easements.

The Farms for the Future Act could help the program in the legislature next year, Dolan said. "That's going to be a big help ... a leverage at the state house this spring," he said.

In Connecticut, with shortfall projections of up to \$2 billion, the governor has asked for 10 percent in cutbacks from every department, which will affect the operating budget for farmland preservation, according to George Malia, director of Farmland Preservation in the state Department of Agriculture. Easement acquisitions are funded through bonding, and as for future funding, said Malia, "everything is up in the air."

The 1990-91 budget for farmland preservation is \$10 million, Malia said, of which about \$8 million has been spent. The department has signed \$5 million in easement contracts.

In New Hampshire, no new money will be forthcoming for the state's farmland easement program, according to program administrator Elaine Radcliffe of the state Department of Agriculture. "Most of our money has been spent — I doubt we'll get anymore," Radcliffe said. However, the state's Land Conservation Investment

Program, which has purchased easements on 4,300 acres of prime farmland, has a pool of \$41 million, \$36 million of which is obligated. The program will request an additional \$9 million from the legislature this year, according to program administrator Will Abbott.

In New York, a failed bond referendum that would have made \$800 million available for land acquisition, including farmlands, has left no money, and no potential money for purchase of development rights.

"Everything is pretty bleak at the moment," said Herb Doig of the New York Department of Natural Resources. "There is interest in identifying a revenue stream for farmland preservation, along with other acquisition needs," once budget problems are solved, he said, but such initiatives would probably not be part of normal budget processes, he added.

As in New York, voters in Maine rejected a bond issue in November that would have created \$1 million in funding for farmland preservation. Under the state's projected revenue shortfall of \$110 million, no farmland preservation initiatives are expected, according to Russell Libby, research director for the state Department of Agriculture.

Two rounds of budget cuts at the Delaware Department of Agriculture have already resulted in a seven percent cut in each program area, and more could be on the way, according to Michael McGrath, agricultural lands preservation manager. Statistical analysis and collection of data will be scaled back, he said.

Budget cuts could be looming for the Maryland Agricultural Land Preservation Foundation (MALPF), as the legislature convenes this month. Some legislators have cited Program Open Space, the state's fund for acquiring conservation areas, as a target for cuts. MALPF receives \$5 million from Program Open Space funds annually.

"They're looking hard at our funds," said Paul Scheidt, executive director for MALPF. "I have a feeling they [Program Open Space] may be hit pretty hard. If they're hit, we'll be hit."

Although Rhode Islanders approved a \$2 million bond issue for easement purchase, the bonds may not be issued, according to Ken Ayers of the Rhode Island Department of Environ-

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mental Management, Division of Agriculture.

"The opinion of the Agricultural Land Preservation Commission is that issuance of the new bond is jeopardized by the financial condition of the state. We're doing everything we can to get it issued," Ayers said.

Counties exploring installment purchase approach for PDR

HARVEY CEDARS, NJ — More than a dozen county governments in New Jersey, Pennsylvania and New York as well as Marin County, California, are considering an installment-purchase approach to financing easement purchase programs, according to Daniel P. (Pat) O'Connell of the Sturdivant & Co., Inc. investment banking and brokerage firm of New Jersey.

Salem County, N.J. recently voted to adopt an installment-purchase arrangement. Morris County, N.J., in attempting to establish its own farmland preservation program, will soon explore the installment-purchase approach, according to Roberta Lang of the county agricultural development board.

O'Connell created the federal tax-exempt finance arrangement in his capacity as financial advisor for Howard County, Maryland, which adopted the finance plan in May 1989. O'Connell was at that time employed with Butcher & Singer Inc. of Philadelphia.

Under the arrangement, a county or municipality enters into a development rights purchase agreement with a landowner in which the locality pays only interest on the sum, for a period — in Howard County, 30 years — in semi-annual payments. The locality then pays the principal in a lump sum.

Revenue shortfalls have made innovative finance for easement programs a primary point of discussion in New Jersey, according to Donald Applegate, director of the State Agricultural Development Committee.

"Money is very tight," Applegate said. In addition to the counties "looking hard" at the installment-purchase approach, the Committee sees the need to look beyond dedicated taxes and bond financing as the sole approaches to funding, he said.

In Maryland, Howard County's installment-purchase method is gaining acceptance, according to administrator John Musselman. The county has purchased development rights on about 11,290 acres.

Contact: Pat O'Connell, (609) 361-9052.

The Rhode Island program, established in 1981, has purchased development rights on 21 farms, totaling 1,582 acres, at a cost of \$9.1 million. A total of \$14 million was appropriated to the program.

Ten additional farms await funding, said Ken Ayers. A total of \$14 million has been appropriated to the purchase of development rights program, but still "there are far more applications than there is money [to fund them]" he said. Meanwhile, the department is exploring the Farms for the Future Act subsidy program.

Pennsylvania has authorized bond sales to fund its purchase of development rights program, established in 1988. The next budget will be approved in February, according to Fred Wertz of the Bureau of Farmland Protection at the state Department of Agriculture. Some Pennsylvania counties have allocated their own funds for easement acquisition, which will be matched by the state. Lancaster County recently allocated \$1.25 million for farmland easements, in anticipation of a shortfall in state allocations.

Strong public support as evidenced in the backlog of applications to PDR programs in the northeast is the silver lining in the recession's affect on programs, said Robert Wagner of the American Farmland Trust's northeast regional office. However, purchase of development rights programs funded solely by state governments may become a thing of the past, he said.

"From now on we'll never see states paying for [PDR] all by themselves ... towns will have to piggyback," he said. "Clearly there will be a need for permanent funding mechanisms," such as the land transfer tax that funds the Maryland program, he said. Wagner's office is planning for "a lot of policy research and development - especially in New York, Connecticut and Massachusetts for 1991," he said.

The Farms for the Future Act could "give Massachusetts a chance to get back on its feet," said Jim Riggle, Director of Operations of the American Farmland Trust.

The 1990 Farm Bill provision that will provide loan guarantees and interest rate subsidies to state-funded farmland preservation programs, "is a way the federal government can assist states with public programs and minimize the net cost," to taxpayers, Riggle said. "It's truly an innovative state/federal partnership. I really hope we can get the program up and running," he added.

Private sector support boosts stance for NH program

CONCORD, NH — While New England is in the grips of recession, one state program that is better off than most is one that has the help of the private sector. New Hampshire's Land Conservation Investment Program pulls its political strength from a coalition of more than 100 businesses, non-profit organizations and foundations that make up the Trust for New Hampshire Lands.

That political strength is backed up with money — the Trust funds the state program's administrative expenses, including the salary of its top officer,

Technique: conservation & farmland easements
Administered by: Land Conservation Investment Program

thus making the program more palatable for elected officials at budget time, according to program director Will Abbott. "Talk about public-private partnerships — this is a real one," he said. The Trust's seven employees work for the state program on a contractual basis.

The Land Conservation Investment Program (LCIP) has a \$41 million pool of funds and has obligated about \$36 million. The bond monies have been used only for interest and easement payments, and have been "spread wide and far" Abbott said, for forest land, access to waterways, and farmland.

Not tapping the general fund for administrative expenses puts the program "in a unique position" Abbott said, when it asks for support. The program will request \$9 million this legislative session. "I don't know what's going to happen, but we have strong support from the governor and the leadership in the House and Senate," Abbott said.

The program has logged about 4,300 acres of prime farmland in easements, Abbott said. That is double the acreage preserved under the state PDR program — about 2,000 acres. The PDR program's continued funding is doubtful due to budget constraints, according to Elaine Radcliffe of the state Dept. of Agriculture.

The LCIP easements are perpetual, and prohibit subdivision and construction of non-farm buildings, but unlike most other states, the easement also "requires that public access not be prohibited," Abbott said. The only significant use is during the state's short hunting season, and most farmers don't post their fields, he said.

While the Land Conservation Investment Program has a brighter financial outlook than the

state's PDR program, the LCIP will terminate on or before February 28, 1992. The program anticipates completing all transactions by that date, even if it receives the added funding, according to the LCIP's annual report, released last month. Both the state program and the Trust for New Hampshire Lands, said the report, "are agreed that ending the program on the schedule proposed is a critical factor to the partnership's success."

The LCIP buys land for the state — it has funded 70 purchases — but its popularity for localities has been in its local grants program, which pays up to half of any given project. It has funded 69 projects, costing \$10 million, and preserving properties valued at \$25 million.

The local grants program has been highly successful, he said, working through town conservation commissions that identify properties desirable for preservation. The commissions are usually active and enthusiastic. "The conservation ethic has been part of us for a long time," Abbott said.

Contact: Will Abbott, (603) 271-2326.

Decade-old study on sprawl still current, experts say

Ten years ago, a Congressional study on "ways to curb energy-wasteful sprawl development" cited generous subsidizing of local sewer, water and wastewater treatment facilities by federal agencies as being in large part responsible for urban sprawl.

The study, "Compact Cities: Energy Saving Strategies for the Eighties," said that during the 1970's these facilities were built with excess capacity, in many instances, of several hundred percent beyond projected growth needs.

The study was presented to the Committee on Banking, Finance and Urban Affairs by its Subcommittee on the City.

The purpose of the study was to recommend ways in which the federal government could alter agency practices to help states and localities curb sprawl and create incentives for development within growth centers, thus saving energy and rejuvenating core communities rather than creating outlying magnets that draw from them.

The study, which culminated from two sets of hearings and three years of research, was pub-

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Md. commission proposes oversight of planning, zoning

continued from page 1

commercial zones to ensure availability of 1.4 jobs per household based on 20-year projections.

The draft legislation calls for preservation of agricultural land and contiguous forested land of 100 acres or more.

Planning grants would be made available to localities for preparing interim and permanent programs. Also, funds would be available on both an entitlement and competitive basis, for

... several county officials applauded the concept of state guidelines and state planning, but objected to state involvement in zoning

completion of infrastructure in designated growth areas. The state Office of Planning would provide technical assistance.

In testimony before the Commission, several county officials applauded the concept of state guidelines and state planning, but objected to state involvement in zoning. Other officials complained of inflexibility, recently completed plans becoming obsolete, too much power given to the state Office of Planning, and local initiatives and local differences being ignored.

Howard County officials said that increasing the density in urban areas there, would result in expanded infrastructure costs totaling \$155 million. Downzoning from one unit per five acres to one unit per 20 would save only 18 percent more land, the county planning department estimated.

Howard County is located between Baltimore and Washington, D.C. The county's population has tripled since 1970, to 170,000.

Many officials called for a delay in the legislation and more input from local planners.

In addition to its legislative mandate, the Commission created a set of "stewardship initiatives" to promote protection of the Chesapeake Bay as a "universal ethic" in the state. The initiatives call for:

- the coordination of all private, local, state and federal conservation and stewardship

programs with public education and participation elements.

- an executive order to create the Governor's Stewardship Task Force to review state programs, assist in identifying funding sources, review implementation of the proposed act, and promote education and public participation.

- state agencies to develop plans to address issues identified by the Commission, such as energy, water consumption, tree and forest preservation and reforestation and more efficient use of land and resources by the state.

In addition to delineating the new land use areas, localities would be required to produce: a description of existing land uses and demographics, as well as projections; a description of its plan's compatibility with those of adjacent jurisdictions; a description of revisions made to plans, programs, policies, and regulations in order to implement the state program; and, a new land use map.

An interim period would be in effect from July 1, 1991 to Dec. 31, 1993, or when a jurisdiction's plan is approved. During the interim, development in rural and resource areas would be governed by the zoning in effect on April 15, 1991, except that only one dwelling unit would be allowed per 20 acres, and clustering of residential sites would be required on a parcel or contiguous parcels in multiples of 20 acres.

Three other states — Oregon, Florida and Hawaii — have established oversight.

Oregon established statewide planning goals as state standards complete with enforcement provisions in 1973.

Florida mandated that localities develop comprehensive plans in 1985, and authorized state review to determine whether local plans effectively discourage sprawl.

The Hawaii State Plan was enacted in 1978 and contains long-range objectives and policies.

The Washington state legislature will consider this session an executive proposal for statewide planning with enforcement provisions that would require each county to develop a comprehensive plan to protect resource lands.

Contact: Carolyn Knowles, Maryland Office of Planning, (301) 225-4562.

The New Jersey Pinelands: TDR at work

THE PINELANDS, NJ — The New Jersey Pinelands encompasses one million acres in the southern half of the state, a full 23 percent of New Jersey's total land area. One-third of the area is publicly owned.

The Pinelands Commission is the body that carries out a 1978 Congressional mandate to preserve and protect the Pinelands. The New Jersey legislature followed up the Congressional action with the Pinelands Protection Act.

The Commission developed a comprehensive management plan, which was approved by the Secretary of the Interior in 1981. All jurisdictions (52 towns and seven counties) are required to revise their zoning ordinances and master plans to conform with the Commission's management plan. All counties and 47 of the state's 53 municipalities have done so.

As part of its comprehensive management plan, the Pinelands Commission devised the Pinelands Development Credit (PDC) program, essentially a transfer of development rights program, according to John Stokes, assistant director of planning and management for the Commission.

Landowners obtaining documentation on the number of development credits or rights for which they qualify may then sell those rights through private sale to a developer, or, if they qualify, may sell them to the Pinelands Development Credit Bank, an independent state agency that issues credit certificates, tracks sales, and serves as a search service for buyers and sellers.

The Pinelands Development Credit Bank, in turn, can resell rights to developers. Last spring the bank held a competitive sale for minimum bids of \$3000 per right for small purchases (those with a low number of rights) and \$5000 for larger numbers of rights, according to John Ross, executive director of the bank. A developer bidding \$5000 or above per right, under the rules of the sale, was allowed to buy as many as 140 rights. Three bidders bid over the \$5000 mark, with the high bid at \$5,650 per right, translating into \$22,600 per credit, the highest price seen to date. All bidders were allowed to match the high bid.

The bank's purpose is to encourage a more active market. "If bidders walk away and negotiate a sale privately, it's all part of the program's objectives," said John Stokes. The bank thus limits the number of rights it sells. An additional entity in Burlington County, the Burlington County Pinelands Development Exchange, also buys development credits.

The credit/right formula devised when the program was initiated has left the program with a confusing terminology when compared to other TDR programs, said Stokes. One right equals one residential unit and a credit equals four rights or four units.

Do landowners make out better selling directly to a developer rather than to the credit bank or the development exchange? Data indicate they do, according to Stokes. Under the enabling statutes, both "banks" are limited to offering \$10,000 per credit (\$2,500 per

legislative briefs ...

In Maine ... Discussion is expected on the Farmland and Open Space Tax Law, to reach consensus on the public value of open space land. No initiatives for farmland preservation are expected.

In Pennsylvania ... Manheim Township, in Lancaster County, has downzoned 1,890 acres and is presently drafting a TDR ordinance.

In New Jersey ... The New Jersey State Agricultural Development Committee is drafting an appropriations bill to secure \$19 million from bond funds that were designated for farmland preservation in 1989. If successful, the bill would allow the program to purchase easements on 55 farms, totaling 9,600 acres. Coupled with county and cost-sharing funds, "it's likely we'll be able to buy one half or more," of the property easements, said director Don Applegate.

In Maryland ... Amendments to the Proposed Maryland Growth and Chesapeake Bay Protection Act of 1991 will be brought before a public hearing Jan. 2 (story p. 1).

Draft legislation for a local farmland preservation program is before the Baltimore County Council. Several counties in the state have established their own programs and operate them in addition to the state program.

In Rhode Island ... A bill that would completely revise the General Zoning Enabling Act and would authorize cities and towns to zone for agricultural and open space purposes will be introduced this session. An act in 1988 required comprehensive plans, but a lack of language permitting ag and open space zoning in the present enabling law has restricted preservation initiatives; bond monies for farmland preservation may not be forthcoming due to the slow economy. Bond issue could take place in July, according to Ken Ayers of the Dept. of Agriculture.

In Washington ... HB 2929, the governor's growth management bill,

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Calif.	(914) 444-8726
Federal	(202) 546-1100

is based on recommendations of the Growth Strategies Commission and builds on the Growth Management Act passed last session. It calls for 53 new items and enforcement provisions to protect resource lands. The legislation would require local governments to comply with state goals or risk withholding of state funds or a state-imposed local building moratorium, according to Gary Christianson of the Skagit County planning office.

In California ... The California Planning & Conservation League is seeking sponsors for legislation that would establish a land transfer tax to fund a conservation land acquisition and easement program that could include farmland. While the state is decked with a \$6.5 billion deficit, chances of a new program that requires new funding are slim, said the League's Jim Knox. The League has produced a publication describing the transfer tax.

In Vermont ... Legislation that would take the state's transfer tax revenues and place them into the general fund rather than into the land conservation fund has been cited as a possible move this session. That report could not be confirmed at press time.

Federal legislation ... The five-year rewrite of the federal transportation bill will see a move to "link up highway spending to comprehensive planning," said Hal Helmstra of Scenic America, a national coalition promoting preservation of scenic resources. The move may involve an attempt to alter the highway funding formula to increase incentive to build mass transit systems rather than new highways. The current formula allows a 50-50 match for highways and a 10-1 match for mass transit.

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right) initially and to keep offers at no more than 80 percent of open market prices. Some pending private transactions range from \$2800 to \$4000 per right. "At this point," said Stokes, "it would seem a private sale would be more profitable."

Unfortunately, those private sales have not been taking place rapidly, according to land use attorney Charles Siemon. A decade after establishment of the plan, he said, "many owners of Pinelands Development Credits are unwilling to sell their rights, at least in part because they are continuing to argue about the restrictive policies of the Commission in regard to resource protection." Siemon wrote about the Pinelands PDC plan and other TDR programs in the Spring 1990 issue of ANJEC Report, published by the Association of New Jersey Environmental Commissions. Siemon is a partner in the law firm Siemon, Larsen & Purdy headquartered in Chicago.

"I think he's right if you look back over the first six to eight years of the program," said Stokes. But the lack of sales cannot be attributed to one thing, he added. When the program was first devised, a coalition of property owners and a coalition of developers resisted it and encouraged a boycott of the plan. Also, he said, "there were not a lot of projects that were ready to be developed that required credits. In the last two years we've seen a dramatic turn around."

Currently 392.25 development credits are in use by 103 residential projects in various stages of completion or approval. Several private sales are completed each month, according to credit bank executive director John Ross.

Contact: John Stokes, (609) 894-9342.

"Compact Cities" study still current

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lished, presented and subsequently shelved, according to Warren Zitzmann, formerly of the U.S. Soil Conservation Service. "At the time it was so controversial, it got practically no publicity at all," he said. Zitzmann, now retired, serves on the board of directors of the American Planning Association, Virginia Chapter.

Heavy subsidizing of water and sewer projects, which local officials could not resist, indirectly subsidized developers in fringe areas, giving them a competitive edge over already sewered urban sites, the report said. What followed was industrial and commercial building that attracted residential development to rural areas.

Other causes of sprawl at the federal level, the study said, were the construction of interstate highways, provisions in the federal income tax that favored new structures and suburban and fringe development, and federal mortgage guarantees for new construction since World War II.

The study recommended that states exercise more oversight in planning and zoning, mandating that localities set growth boundaries, while preserving actual implementation of land use powers at

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"Compact Cities"

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the local level. At the time, in 1980, only Oregon had established state oversight. The study further recommended that states intervene as referees on projects that would affect many jurisdictions.

Local governments in the 1970's blessed low-density zoning as a way to avoid overcrowding, but the result was excessive lot sizes and front-lawn setbacks and unnecessarily wide streets, the report said, conditions that helped create sprawl.

Warren Zitzmann recommended to a House subcommittee studying "The American Landscape in the 21st Century" a year and half ago that the 86-page report be resurrected and given the subcommittee's endorsement as a document whose ideas are still useful for policymakers.

Zitzmann is former editor of *Land Use Notes*, published through the USDA between 1975 and 1984.

The Compact Cities report was born of the Carter administration's energy conservation initiatives, but federal involvement in land use was stronger during the Nixon administration, Zitzmann said.

Before the Watergate scandal, the Nixon administration supported legislation that would have required states to devise land use planning that would effectively protect the environment. The bill included enforcement provisions that would have restricted federal grants-in-aid to states that did not comply, Zitzmann said.

The bill, which passed the Senate by 10 votes before the Watergate scandal, failed in the House by about 10 votes. Zitzmann contends the failed House vote was a result of Nixon administration withdrawal of support after Watergate, to avoid antagonizing conservatives.

"The principles," contained in the Compact Cities report, "still apply," said Robert J. Gray, who helped prepare the report in 1980.

While virtually no federal involvement in land use planning has taken place since the Compact Cities report was released, Gray said, several states and many localities have moved in the direction of some of the report's recommendations.

Several states have since established statewide planning guidelines or requirements, and, currently two states—Maryland and Washington—are considering statewide planning requirements.

Gray agrees that the Compact Cities report should be "dusted off," but feels Congress lacks sufficient knowledge to deal with land use issues.

While some localities are beginning to change the policies and zoning regulations that have resulted in sprawl, "the question," Gray said, "is how effective those efforts will be."

Gray is with Resource Management Consultants, Inc., based in Washington.

resources ...

Publications

- *1991 Conservation Directory*
National Wildlife Federation, 396 pp. \$18

An annually published reference guide. Lists federal agencies, departments and offices, as well as national, international and regional organizations and commissions, state environmental agencies and citizens' groups in the natural resource, environment, conservation, and wildlife fields. A new subject index has 60 categories including land use planning, endangered species, water pollution, and environmental law. Also includes publications index. Call (202) 797-6800 for order forms or information.

- *Greenways for America*
By Charles E. Little
The Johns Hopkins University Press. 1990. 288 pp. \$22.95

Called the first comprehensive account of the greenways movement, the book describes dozens of greenway projects nationwide. Historically traces the greenway concept from Frederick Law Olmstead's plans for preserving strips of parkland through urban areas. Success stories are profiled with 44 full-color photos and 16 maps. Charles Little has served as editor of the Johns Hopkins series *American Land Classics*, and also edited an anthology of Louis Bromfield's work, called *Louis*

Bromfield at Malabar, also available from the Johns Hopkins Press. Call 1-800-537-5487.

- *Analysis of Land Use Effects of the Proposed Washington Bypass*
By Robert J. Gray, et. al.
Resource Management Consultants, Inc. 173 pp.

Study prepared for the Chesapeake Bay Foundation. A major portion of the study included 15 case studies of the counties that would be affected by at least one of the proposed routes. July 1990. Maps. Call the CBF at (301) 268-8816.

- *Rural Planning and Development in the United States*
By Mark Lapping, Thomas Daniels, and John Keller
Guilford Publications. 1989. 342 pp. \$19.95

This comprehensive book describes and analyzes the processes shaping rural America's society, economy, landscape, and environment. It describes how rural America came to be and ways in which public policy influences rural America today. The book examines specific economic sectors in rural development — agriculture, forestry, recreation, fisheries and mining — and analyzes such key issues as conservation, the operation of land markets, the role of land tenure in determining planning options, and the pivotal role of environmental law for rural planning and development. Call 1-800-365-7006. In NY call (212) 431-9800.

Conferences

Feb. 13 - 15: Orlando, Fl. Rural Planning and Development: Visions of the 21st Century, organized by the Dept. of Urban & Regional Planning, University of Florida, Gainesville. Papers to be presented include topics on impacts of rural land conversion; growth management through purchase of development rights; adapting agriculture to urbanization; protection of rural lands and community character; alternative private methods for the conservation of open space; the role of ag land in statewide planning efforts in New Jersey, Maryland, Florida and Oregon. For information call Earl Starnes or Ivonne Audirac at (904) 392-3258 or 392-0997.

March 7, 8: Washington, D.C. "Saving the Land that Feeds America: Conservation in the 90's" organized by the American Farmland Trust and co-sponsored by 22 agriculture, conservation and land-use organizations including the American Planning Association, Land Trust Alliance, National Assn of Counties, National Wildlife Federation and the National Trust for Historic Preservation.

Workshop topics include role of land trusts in ag conservation; directing state infrastructure away from farmland; local innovations in farmland preservation; financing farmland preservation; TDR, past and future. Key speaker scheduled is James Moseley, Assistant Secretary of Agriculture. Call AFT's Margot Wolman at (202) 659-5170 or write to AFT: 1920 N St. NW, Suite 400, Washington, D.C. 20036.

farmland preservation report

... covering the techniques, programs, and policies that promote farmland retention

Reform on hold for California's 25-year-old Williamson Act

SACRAMENTO, CA — The 25th anniversary of California's Land Conservation (Williamson) Act finds the comprehensive farmland protection law well-matured yet in need of substantial reforms.

But proposed changes in how the program is administered have been shelved, and changes in elected offices have put the proposals in political orbit, according to Ken Trott, manager of the Land Conservation Unit in the state's Department of Conservation, which administers the program.

The proposed changes are seen as vital by many of the state's administrators and planners.

The Williamson Act is a preferential assessment program, providing reduced property taxes to landowners who agree to keep their land in agricultural use for 10 years. The state partially subsidizes local governments for revenue lost through preferential assessments.

Since 1976 the formula for subsidies, referred to as subventions, have been higher for parcels at urban fringes, designated "urban prime" land. It was thought this would encourage stronger land use controls and help curb sprawl.

However, this year an advisory committee concluded that the higher subventions for urban prime land had not resulted in urban containment, and that subventions should be spread more evenly among all prime lands. "Clearly, growth pressures and speculative land values dwarf the landowner benefits afforded by the Act on the urban fringe," reported the Williamson Act Advisory Committee to the Secretary for Resources last January.

The Advisory Committee based its conclusions on a University of California study of the costs and benefits of the Williamson Act. The study was commissioned by the Department of Conservation.

The Advisory Committee strongly recommended that the urban prime category for subventions be eliminated, noting that the University of California study found that urban prime land accounted for less than five percent of land protected under the Williamson Act, but received 40 percent of total subventions.

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Open space planning, TDR, on line for Wake County, N.C.

RALEIGH, NC — The Wake County Board of Commissioners has put forward a major initiative to establish a comprehensive open space preservation program, which will seek additional and/or alternative funding sources for the county's farmland preservation program and pursue a voluntary transferable development rights program, according to Paul Kron of the county planning office.

The initiative would also make open space planning an integral part of existing joint planning between municipalities and the county.

A countywide easement purchase program has been ruled out due to budget constraints. The county funded \$25,000 for development of an

easement purchase program for designated agricultural priority areas in October 1989. Administered by the county's Soil and Water Conservation District, the program plans to purchase its first easement in early 1991.

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New subvention formula for Williamson Act on hold

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"Thus, the nearly \$6 million subvention payments made in FY 1988-89 for 793,000 acres of urban prime lands can be more effectively spent on increasing the incentives for all protecting prime land, and by encouraging local governments to more effectively plan and implement programs to protect the state's agricultural land base," the committee stated.

There seems to be a consensus that the Williamson Act could be more effective at curbing rural subdivision development than in curbing sprawl at the urban fringe, according to Ken Trott. "It's done an excellent job of preventing leap frog development," said Trott, who adds that the law can only be as strong as the political will of each locality.

The committee further recommended that subvention payment rates be increased to boost Williamson Act participation. This could be vital to maintaining the law's wide acceptance at a time when the state subventions are not sufficient to meet some jurisdictions' financial needs, Trott said.

Some county governments are not happy with the current subvention payment rates, he said, which have not increased since 1976. "We had one county threaten to leave. We have other counties with rumblings. They are looking for ways to get out of the Williamson Act," he said, adding that for a county to terminate participation in the program would be politically difficult.

The Williamson Act Advisory Committee's recommendations for altering the subvention formula were embodied in legislation that failed this year. The bill's author was not reelected in November, and the legislation's future is uncertain, Trott said.

Administered voluntarily by local governments, all but 10 of the state's 58 counties participate under the Williamson Act, protecting 15 million acres — half of the state's farmland — from development. The protected acreage represents 30.4 percent of all private land in California. The Williamson Act is California's primary program for protecting farmland from premature conversion.

To be eligible, parcels must be located in an agricultural preserve, already existing or created by the local government for the applicant. Preserves require a minimum of 100 acres, and parcels must be a minimum of 10 acres for prime land and 40 acres for nonprime land. The 10-year contracts are

automatically renewed each year unless the landowner applies for nonrenewal.

The Williamson Act has been frequently revised, but its major components have remained: it is voluntary for both landowner and local government, and termination of contracts is difficult.

In assessing the effectiveness of the Williamson Act, the University of California report stated that while the state was losing an estimated 44,000 acres per year to urbanization, it was not possible to estimate whether the Williamson Act had prevented a much higher acreage loss.

Contact: Ken Trott, (916) 324-0860

Coalition of counties could net state funding for local programs in North Carolina

continued from page 1

The additional funding the county seeks for the easement program could come from the state if a plan to organize a coalition of counties to pursue state funding is successful. The state legislature has indicated it would respond to a request if several jurisdictions requested it. A coalition of six or more counties is possible, said Rick Bailey, Conservation District Administrator for Wake County.

The timing of the effort is important, Bailey said. A new federal loan guarantee and interest subsidy program passed as part of the 1990 Farm Bill placed an Aug. 1, 1991 eligibility deadline on state program establishment.

North Carolina presently has no program that provides funds for local farmland preservation efforts. The state would have to establish the program and the funding before the Aug. 1 deadline.

The University of North Carolina, Department of City and Regional Planning, has agreed to help the county design its open space program. The university will analyze the county's existing open space protections, evaluate potential new techniques and recommend a comprehensive approach that will be appropriate for the county's budget.

The university's final report is due to the Wake County Planning Board in April.

Wake County has about 417,000 residents.
Contact: Rick Bailey, (919) 250-1056; Paul Kron, (919) 856-6310

Study will evaluate nationwide use of LESA system

A study conducted by three major universities will determine the extent to which state and local agencies are using the federal Land Evaluation and Site Assessment (LESA) system for preventing unnecessary farmland conversion, according to Frederick Steiner, dean of the Department of Planning at Arizona State University.

LESA, established by the SCS as a part of the federal Farmland Protection Policy Act of 1981, is a point system that can be used by government agencies in determining the viability of a farm operation on any given parcel.

The system goes beyond soil quality evaluation to include criteria for determining economic and ecological, as well as social and aesthetic factors that would affect farming viability. The LESA system was originally designed to determine how federal agency activities and programs were causing unnecessary farmland conversion.

Under the Farmland Protection Policy Act, federal agencies are required to identify and take into account the adverse effects of federal programs on farmland protection objectives at the federal, state and local levels. Some federal activities, such as defense projects, are exempt.

A large role of the SCS in administering LESA has been in assisting local governments that wish to adopt and implement the LESA system.

LESA was not designed with farmland preservation in mind, according to Lloyd Wright, designer of the system, and National Program Leader in Land Use at the Soil Conservation Service.

But some local and state governments have used the system as a planning tool. Illinois has the best known LESA system at the state level, established following enactment of the state's Farmland Preservation Act of 1982. The act directs state agencies to consider impacts of capital projects on farmland. The Illinois system was developed with assistance from the SCS.

The objective of the current study is to identify jurisdictions using LESA, to catalog them, describe their characteristics, identify how it is being used to protect farmland and to recommend ways in which the system can be improved, according to Frederick Steiner. Steiner, at Arizona State, is working with Robert Coughlin of the Department of City and Regional Planning at the University of Pennsylvania and Jim Pease, a professor of Land Use and Resource Planning at Oregon State University.

Steiner has written extensively on the LESA system. In 1987 he co-authored a research report that found at least 46 local governments in 19 states

Local jurisdictions using LESA in 1986

Illinois	Schuyler	Others
Boone	Stephenson	Windsor, CT
Brown	Will	Latah County, ID
Champaign	Iowa	Lee County, ID
DeKalb	Johnson	Johnson County, IA
Ford	Story	Howard County, MD
Grundy	Kansas	Glasgow, MT
Henry	Saline	South Washow County, NV
Jackson	Shawnee	Grafton County, NH
Johnson	Kentucky	Hunterdon County, NJ
Kane	Clark	Dutchess County, NY
Lee	Hardin	Monroe County, NY
McHenry	Virginia	Gaston County, NC
McLean	Clarke	Medina County, OH
Mercer	Culpeper	Linn County, OR
Moultrie	Hanover	Bennington, VT
Rock Island	Montgomery	Brattleboro, VT
Sangamon		Whitman County, WA

From "The Use of the Agricultural Land Evaluation and Site Assessment System in the United States" by Frederick Steiner, Richard Dunford and Nancy Dordick, in *Landscape and Urban Planning*, 14 (1987).

actively using LESA, although many of the LESA programs were in their infancy.

The study, published by the British journal *Landscape and Urban Planning*, found that many planners and conservationists found the Land Evaluation part of the system easy to use due to assistance from the Soil Conservation Service.

However, the Site Assessment portion of the system "poses many more problems for local governments," the study reported. The local planning department develops the site-assessment criteria with little additional help from the SCS. A local committee, made up of planners, soil conservation personnel and other officials or citizens, chooses which site assessment factors are relevant for the locality.

Factors and their respective weights are also decided at the local level. Two site-assessment factors were common to all localities surveyed in the study. They were: the percentage of the area in agricultural use around the site, and, the land use adjacent to the site.

The current study, begun in October, could lead to a national conference on LESA if funding is completed, Steiner said.

The current phase of the study is funded by the Soil Conservation Service. Funding for the remainder of the study is uncertain, Steiner said. Contact: Frederick Steiner, (602) 965-7167.

Land trust can be valuable partner to state, local agencies

WASHINGTON, DC — Local, state and regional land trusts nationwide are proving to be valuable allies to government agencies involved in land preservation, according to a report by the Land Trust Alliance (LTA), a nonprofit organization in Washington. Land trusts are becoming increasingly active in working with government agencies at the state and local levels, the report states.

The unpublished report was prepared last year for the Commission on the Adirondacks in the 21st Century through a New York consulting firm.

Land trusts are nonprofit conservation organizations that are directly involved with landowners in acquiring properties outright or in acquiring easements. There are 850 known local, state and regional land trusts, according to Jean Hocker, president and executive director for the Land Trust Alliance, who reports that over half of those have been formed in the past 10 years.

By the end of 1988, regional, state and local land trusts had protected or helped to protect more than two million acres nationwide. According to the Land Trust Alliance, local and regional land trusts fund about two-thirds of their operating budgets and about 60 percent of their land acquisition budgets from donations and memberships.

How Land Trusts Can Help State & Local Agencies

Land trusts with adequate funding can be most helpful to state and local agencies by using their ability to act quickly when desirable parcels come on the market, according to Hocker. Without the typical governmental processes to work through, land trusts can pre-acquire properties or negotiate deed restrictions and later resell or turn over administration to the state or local government when public funding becomes available. Often, Hocker said, land trusts have more expertise in tax law than government officials and can negotiate lower sale prices for tax advantages.

Land trusts vary greatly in their capabilities, however, the LTA report points out. State officials, the report says, "should know about the potential nonprofit partner's track record, governance, history, reliability, financial condition, and so forth, before entrusting it with public funds."

The report further points out that many of the problems encountered in private/public partnerships "stem from poor communication between the agencies, the land trusts, and state legislatures."

States that work with land trusts routinely and have regularly scheduled meetings between land trust representatives and agency officials have avoided problems for the most part, the report states. The report mentions the programs of California, Massachusetts, New Hampshire, New Jersey, Vermont and Maryland, and outlines potential increased use of land trusts in New York, where a 1986 bond issue resulted in major acquisitions in which national land trusts participated. A recent bond referendum failed.

Generally, land trusts that are regional in scope are better able to assist state agencies in acquisition programs. The smaller local land trusts can provide public education assistance and can generate public support for programs. They can also serve as a grapevine for information about land coming on the market.

Maryland has been active in encouraging the formation of local land trusts that can work with the state. The Maryland Environmental Trust (MET) is a state-chartered private nonprofit land trust that has a revolving fund designated for helping local groups assess land and initiate legal proceedings.

The MET encourages use of conservation easements to preserve farmland and forestland and has assisted in the formation of a majority of the state's private land trusts. Some Maryland counties have initiated cooperative agreements with local land trusts to preserve farmland or open space.

Vermont, through its Housing and Conservation Board, provides funding for the nonprofit sector to administer transaction work, and encourages formation of local land trusts.

The California State Coastal Conservancy,

please go to next page

California's local land trusts: advantages over state agencies

Local nonprofit land trusts have the following advantages over state agencies in administering agricultural conservation projects:*

- greater familiarity with local area;
- cost savings from the use of donations and volunteers
- greater success at negotiating transactions at less than fair market value and
- many farmers and ranchers prefer not to deal with governmental agencies.

*From: "Evaluation of Agricultural Land Trusts" submitted by the California State Coastal Conservancy, Dec. 1, 1989.

A land trust and a county agency work together

The Lancaster Farmland Trust (LFT) is currently working with the county government's Agricultural Preserve Board on two projects.

One of these is a bargain sale easement acquisition in which the Trust will be reimbursed by the Board. This transaction came about when the landowner, because of health problems needed to go to settlement immediately.

"We are fronting the money," said Alan Musselman, executive director of the LFT. "This would not happen without us being there and the Ag Preserve Board requesting it."

The Lancaster Farmland Trust has a budget of \$250,000, said Alan Musselman, who adds "I expect we will have continuing capability," helped by "conservation investors from far afield."

created by the legislature, is the most active agency in the nation in granting funds to land trusts, the LTA report states. Funds are granted to carry out tasks that would otherwise have to be done in-house. These tasks include managing public access, managing and monitoring land, and managing construction projects. The Conservancy estimates that one-third to one-half of its transactions involve the work of land trusts.

Land Trusts That Preserve Farmland

A survey completed in 1988 by the LTA indicated that 41 percent of the nation's land trusts performed at least some farmland preservation transactions, and 16 percent said farmland was one of their three main interests. The objectives are either to protect productive capabilities or wildlife habitat, Hocker said.

New figures showing farmland preservation involvement by land trusts nationwide will be available from a survey now being conducted by the Land Trust Alliance, according to Hocker.

Some land trusts concentrate on farmland easements, such as the Lancaster Farmland Trust, in Lancaster, Pennsylvania, and the Marin Agricultural Land Trust in Marin County, California. The Lancaster Farmland Trust, which secured its first easement in 1988, now protects more than 1200 acres through the purchase or donation of conservation easements. The Marin Agricultural Land Trust, which receives state, local and private funding and completed its first easement in 1986, holds more than 11,530 acres under easement.

In California, the nation's leading agricultural state, 14 local land trusts, including MALT, concentrate on acquiring easements strictly on farmland, according to Erik Vink of the American Farmland

Trust's western regional office. California loses about 44,000 acres of cropland to urban uses each year according to the American Farmland Trust.

A report published last year by the California State Coastal Conservancy distinguishes between agricultural land trusts and land trusts with broader land preservation goals. The report concluded that local nonprofit land trusts have several advantages over state agencies in administering projects. Those advantages are: familiarity with the locality; greater success in negotiating below market prices; a rapport with landowners who prefer not to deal with government agencies; and the use of non-public funds.

Cooperation between government and private groups in reaching land preservation goals can only increase, said Jean Hocker. Qualified land trusts could take on a greater role in land stewardship, and could assist agencies in forming policy, planning and negotiating, the LTA report concluded.

Easement purchase as an alternative to state ownership could prevent controversy at the local level, the report stated.

Contact: Jean Hocker, (202) 785-1410.

Vermont town ready to try new TDR program

WILLISTON, VT—With only one other local jurisdiction to serve as a model, the town of Williston, Vermont, in Chittenden County, has succeeded in placing a transfer of development rights provision in its zoning ordinance. Plans are now underway to survey public awareness and potential commitment to the program, according to town planner David Spitz.

"TDR always works better on paper," said Spitz. The public had no problem with the concept of TDR during public hearings, he said, but now the challenge is to test the workability of the tool. Spitz is encouraging the town's conservation committee, which is in charge of the town's open space plan, to canvass relevant properties and list availability of potential sending areas.

Although he believes no current or pending development projects will seek out the TDR option, Spitz believes TDR in Williston has been well researched and could work. The town plan and bylaws were written by former town planner Joyce Ohlson, now with the town of Shelburne, and land use

Proposed 'Greenspace Commission' will protect Kentucky Bluegrass

LEXINGTON, KY — A bill that would create a commission to develop and implement a comprehensive open space plan has been introduced to the Lexington-Fayette County Urban County Council.

Called the Greenspace Commission, it is expected to be formed by February, according to Harold Tate, project director for the steering committee that developed the objectives of the commission.

The Greenspace Commission will serve as an advisory body to the mayor and the council, and will be charged with identifying and protecting elements of historic and cultural heritage as they relate to open space, as well as protecting farmland.

The Greenspace Commission will be able to seek funding from state, federal or other public sources, and may solicit contributions from individuals and groups. In addition, the county plans to seek permission from the state legislature to receive all revenues generated from the county's deferred taxes under its agricultural use value assessment program, Tate said. When farmland is converted, farmers repay three years in back taxes based on the land's fair cash value.

Currently, the county receives only 12 percent of the deferred tax revenues. The remainder is split between the local school board, which receives 59 percent, and the state, which receives 29 percent. Over the last two years, the program has generated \$100,000.

The state legislature will convene in Jan. 1992, and a bill will be introduced then, Tate said. "Since the amount involved is small, we shouldn't have any problem," he said. There has been strong public support for open space and farmland preservation, he added.

It has been further recommended by the steering committee that the county request that any jurisdiction with an open space preservation program be able to retain all revenues from the deferred taxes.

The Commission will advise the mayor and council on property and easement purchases and donations, agricultural districting, the creation of a public, non-profit land trust, the possible development of a purchase of development rights program and a transfer of development rights (TDR) program.

Localities were enabled to establish voluntary TDR under a law passed this year by the Kentucky General Assembly.

The commission will have the authority to monitor land contained in the greenspace program and to conduct annual on-site inspections.

The proposed ordinance incorporates goals adopted in the county's 1988 comprehensive plan that are designed to protect the visual integrity of the Bluegrass area while attracting development with desirable patterns that conform to the environment.

The proposed ordinance calls the area's farmland, historic properties and scenic vistas "finite and interrelated resources" that are "threatened by growth and development, and their conversion to other uses could threaten the economy of Lexington-Fayette County."

Agriculture in the county ranks highest in the state and is among the top counties in the nation, due in large part to the Bluegrass horse breeding industry.

Contact: Harold Tate, (606) 258-3260.

legislative briefs ...

In California ... The Department of Conservation is set to lobby for changes in the districting structure of the state's Soil Conservation Districts. Only 30 of the state's 120 districts are active, according to Ken Trott of the department's Land Conservation Unit. The State Association of Conservation Districts is in disagreement with the department's proposal, and will have a counter proposal, Trott said.

In Pennsylvania ... Manheim Township, in Lancaster County, is set to downzone for establishment of a transferable development rights program for its 2200 acres.

In Virginia ... A bill that would enable localities to establish transferable development rights programs has been drafted by a joint subcommittee. The bill will be sent to the General Assembly's Local Government Committee and to the legislature in January, said Del. Leslie Byrne, chairman of the subcommittee, who is optimistic about its passage.

In North Carolina ... In updating its 20-year-old zoning ordinance, the Wake County Board of Commissioners will likely eliminate a zoning category that would allow strip development along highways in an effort to preserve rural character.

In Maryland ... Statewide planning initiatives were announced Nov. 27 by a committee of the Governor's Commission on Growth in the Chesapeake Bay Region that would require counties to put all land into one of four land-use categories, each with its own pattern of development, and would limit development in rural areas to no more than one home per 20 acres. The proposal recommends targeting growth areas for intense development while protecting rural and environmentally sensitive areas.

The draft bill would establish state guidelines for growth management, and would require counties to submit growth-management plans to the state Office of Planning for review and approval.

The Commission was a result of

the 1987 Chesapeake Bay Agreement, in which the governors of Maryland, Pennsylvania and Virginia committed resources for a regional evaluation of the impact of growth on the watershed.

The legislation must win approval from the General Assembly, which convenes in January.

In Michigan ... Nine bills proposing transferable development rights have been developed for possible introduction to the 1991 legislature. "A consortium of communities have been working on this," according to John Warbach of the Planning & Zoning Center in Lansing. The current objective is to "polish and develop support for the bills prior to introduction," Warbach said. The bills will probably be introduced toward the end of the upcoming session, he said.

In Delaware ... The Delaware Grange has hired the state's leading environmental attorney to draft legislation that would establish agricultural districting. A bill last session passed the legislature but was vetoed by Gov. Michael Castle.

In Wisconsin ... Several initiatives could emerge as legislators look for ways to bolster participation in the state's farmland property tax relief program. Participation rates are high, but have leveled off in recent years, according to Kate Lawton of the Land and Water Resources Bureau. Purchase of development rights is being discussed, Lawton said.

Federal legislation ... A program that will provide loan guarantees and interest rate subsidies to states with established trust funds for farmland preservation programs was passed by Congress as part of the 1990 farm bill.

The Farms for the Future Act of 1990 is the first federal legislation that supports state purchases of conservation easements. The program will be administered through the Farmers Home Administration (FmHA).

States eligible for assistance are those that on or before Aug. 1, 1991 operate or administer a land preservation fund that invests funds in "the protection or preservation of farmland for agricultural purposes," and coordinates activities with local governing bodies or private, non-profit or public organizations, such as land trusts. (See Nov. Issue.)

Michigan tax relief finds few takers among open space landowners

LANSING, MI — Michigan's Farmland and Open Space Preservation Act of 1974 currently protects more than 4.5 million acres, nearly all held under farmland development rights agreements, while tax relief offered to owners of open space property has attracted few takers, according to Richard Harlow, of the Department of Natural Resources, Division of Land Resource Programs.

Technique: tax relief through 10-year easements
Administered by: state Dept. of Natural Resources

Of the land enrolled in the program, acreage entered in the open space category, for 10-year easements, make up fewer than 4,000 of the 4.5 million acres, according to Rex Lane, also of the Department of Natural Resources.

While tax benefits for farmland agreements are taken from state income tax, benefits for open space easements are taken from property tax, and must be shouldered by local governments. But the likely cause of the low rate of participation could be a public education problem, according to Lane.

"I think the primary problem was that local units were not necessarily aware of the open space portion of the statutes," he said. "Since the legislation, most people have only been aware of the farmland part of the program."

The lack of participation has prompted the department to consider an initiative to encourage local governments to use open space easements as a growth management tool, but budget constraints and a two-person department will limit efforts, Lane said. Local governments in the state would be receptive to ideas about open space preservation techniques, according to Harlow.

Farm parcels of at least 40 acres and under one ownership are eligible for farmland development rights agreements, which keep the department in a perpetual backlog of paperwork. The agreements last 10 years and restrict the building of nonfarm structures on accepted parcels.

Farmland property owners are entitled to claim credits on their state income tax, based on the amount by which the property taxes on the acreage entered in the program exceeds seven percent of the household income.

Smaller parcels are eligible for farmland agreements if they are of at least five acres and produce a gross annual income of at least \$200 per year, per acre.

Open space easement eligibility is in two categories: "designated," meaning sites designated by a federal agency as historic, or by the state as riverfront open space or as environ-

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For copies of bills or information on items in legislative briefs, call the numbers below.

Calif.	(916) 324-0860
Penn.	(717) 299-8355
Virginia	(804) 786-3591
N. Carolina	(919) 856-6310
Maryland	(301) 225-4500
Michigan	(517) 886-0555
Delaware	(302) 739-4811
Wisconsin	(608) 266-6963
Federal	(301) 692-2708

Michigan program maturing, could start easement purchase

continued from page 7

mentally important under Michigan law; the second category is the "local" open space agreement, which can be any undeveloped parcel the locality finds desirable to protect, including idle farmland.

For "designated" open space easements, of which there are only 14, the state makes partial compensation. For "local" open space agreements, numbering 43, the locality assumes the full loss of revenues.

Open space easements entitle the landowner to property tax relief. Parcels are reappraised by the state, calculating the difference between the current market value of the property and the value of the property without its development rights. The difference is the amount the landowner saves on property taxes.

In addition to the farmland development rights agreement and the open space development rights easement programs, Michigan law contains a purchase of development rights element that was unfunded, except through the accrual of penalty funds gathered from termination of program contracts, Richard Harlow said.

Premature termination carries a penalty of a payback of all tax benefits plus six percent interest per annum compounded. Termination of full-term contracts (nonrenewal) requires the landowner to repay the last seven years of tax benefits without interest. This is assessed in the form of a lien payable at the time the land or any portion is sold or if the land use is changed.

The termination funds have been accruing for about five years, Harlow said, and could soon be activated for the purchase of development rights program.
Contact: Richard Harlow, (517) 373-3328

FPR's first special report, "Do tax breaks on farmland help protect it from conversion?" is by Tom Daniels, director of the Agricultural Preserve Board of Lancaster County, Pa. and co-author of *Rural Planning and Development in the United States*, and *The Small Town Planning Handbook*. The report will be mailed on or about Dec. 10. Special Reports are a service to FPR subscribers. Complimentary copies to non-subscribers are available on request. New subscribers: we accept Mastercard and Visa. Call 301 692-2708.

Vermont town waiting to try TDR

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consultant Jeff Squires, of the consulting firm Humstone Squires.

The Williston TDR provision was initiated after a developer contributed \$63,000 toward purchase of a natural area that had come on the market. The area, called Mud Pond, was purchased by the Nature Conservancy and then sold to the town. The developer agreed to purchase rights from the Mud Pond property, according to Joyce Ohlson, in exchange for commercial development that would impact on farmland in the town.

Peg Elmer, land use planner with the Vermont Natural Resources Council,

says TDR will have limited use in a state where most towns have no public water or sewer service, thus making it difficult to site appropriate receiving areas. A few transactions have been completed in the town of Warren, says consultant Jeff Squires, but that provision has been used little. There, a TDR provision was put in place to protect meadowland at the base of the town's ski area. But no new development has been proposed for the site.

Municipalities in Vermont were authorized by the state legislature to create TDRs in 1986.

*Contact: David Spitz, (802) 878-6704
Jeff Squires, (802) 862-8302*

resources ...

Publications

• *The Experience of Place*
By Tony Hiss
Albert A. Knopf. 233 pp. \$19.95

This is a journey into our own selves for a view of how and why we feel the way we do about certain surroundings, certain types of places we all know and treasure. Quite likely, Hiss points out, our attitudes about the demise of landscapes we have known, whether urban or rural, have left us feeling helplessly bitter and unnecessarily accepting of the type of development known as sprawl, that pattern of development we know as alien sharp angles cropping up on what was a favorite hillside. The feeling of loss is a desolation urbanites have long shared but are only beginning to articulate.

Hiss provides in eloquent language a wide-angle view of development activities in the American landscape in the "post-interstate" era. Our commercial and industrial endeavors have followed the roadways, spreading human activity to otherwise impractical locations all over the continent. We now acknowledge construction of the interstates as the catalyst that changed America from a diverse collection of small town cultures to a monolithic suburbia struggling for some identity.

But Hiss infuses us with optimism by exploring the promise of research and activities that already enable us to identify and most importantly to justify the need for landscape preservation, whether for sustaining nearby agriculture for fresh foods or for saving open space for vital food of another sort.

Hiss explores how the present movement to preserve farmland and natural open places is a national acknowledgement that landscapes are psychic sustenance, but more importantly is an acknowledgement of how our visual experiences ultimately define who we are.

Hiss's book is easy to read, full of examples of people doing things that inspire as well as teach, lots of familiar names. A great selection for the holidays.
- Deborah Bowers

• *Appraising Easements: Guidelines for Valuation of Historic Preservation and Land Conservation Easements*

The Land Trust Alliance and the National Trust for Historic Preservation
1990. Second edition. 82 pp. \$8.95

Originally published in 1984 to fill a need for comprehensive guidelines explaining the easement appraisal process for donated conservation easements. Includes guidelines on donated farmland easements. Contains typical conservation easement provisions and appraisal issues. This booklet's established readership includes property owners, appraisers, preservation and conservation organizations and consultants. Although first published six years ago, the booklet "remains remarkably up-to-date and embodies the state of the art in easement valuation," reads the preface to the second edition. The book is available from the Land Trust Alliance, 900 17th St NW, Suite 410, Washington, D.C. 20006 (202) 785-1410.

Conferences

Feb. 13 - 15: Orlando, Fl. Rural Planning and Development: Visions of the 21st Century, organized by the Dept. of Urban & Regional Planning, University of Florida, Gainesville. Papers to be presented include topics on impacts of rural land conversion; growth management through purchase of development rights; protection of rural lands and community character; alternative private methods for the conservation of open space; the role of ag land in statewide planning efforts in New Jersey, Maryland, Florida and Oregon. For information call Earl Starnes or Ivonne Audirac at (904) 392-3258 or 392-0997.

March 7, 8: Washington, D.C. "Saving the Land that Feeds America: Conservation in the 90's" organized by the American Farmland Trust and co-sponsored by 22 agriculture, conservation and land-use organizations. Workshop topics include role of land trusts in ag conservation; directing state infrastructure away from farmland; local innovations in farmland preservation; financing farmland preservation; TDR, past and future. Key speaker scheduled is James Moseley, Assistant Secretary of Agriculture. Call AFT's Margot Wolman at (202) 659-5170.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

Hawaii farm retention goals neglected in heated economy

HONOLULU, HI — Despite comprehensive enabling legislation that, if used, would offer effective protection for Hawaii's farmland, the state is losing its farms and open space, according to Earl Yamamoto, planner for the state Department of Agriculture.

Farmland is currently selling for \$100,000 to \$200,000 per acre, Yamamoto said, due to Japanese investment in Hawaiian real estate over the last several years.

Eager to pump up a sluggish economy, Hawaiian officials embraced Japanese real estate investors, who by the late 1980's had invested a minimum of \$6.5 billion into Hawaiian real estate, according to Forbes magazine.

However, coinciding with the state's "overheated economy" said Yamamoto, is a widespread neglect of farmland protection provisions in the state constitution and in the Hawaii State Plan by land use decisionmakers.

In Hawaii land use planning is a state function. Yamamoto reviews all land use change petitions in his capacity as planner.

Under Section 226-13 of the Hawaii State

Plan, public officials are urged to "encourage urban developments in close proximity to existing services and facilities." The document's Population Growth and Land Resources Priority Guidelines call for making marginal or non-essential agricultural lands available for "appropriate urban uses while maintaining agricultural lands of importance in the agricultural district."

That, says Yamamoto, is not happening. Instead, he says, "the bias has clearly been toward urbanization," and that a map of converted lands would show the distinct "removal of ag lands and very little of marginal lands."

Over the past five years, said Yamamoto, the focus has been on affordable housing, a primary victim of intense land speculation, and projects that contain affordable housing stand a likely chance of being approved even if the parcel is prime farmland.

While the development pressure in the state is greatest on the island of Oahu, where Honolulu is located, the other islands "are begin-

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Congress passes assistance bill for state preservation funds

WASHINGTON, D.C. — A federal program that will provide loan guarantees and interest rate subsidies to states with established trust funds for farmland preservation programs was finalized Oct. 25.

The Farms for the Future Act of 1990 is the first federal legislation that supports state purchases of conservation easements. It is the first such measure to directly subsidize state level land use or growth management initiatives. The program will be administered by the Farmers Home Administration (FmHA).

States eligible for assistance are those that on or before Aug. 1, 1991 operate or administer a

land preservation fund that invests funds in "the protection or preservation of farmland for agricultural purposes," and coordinates activities with local governing bodies or private, nonprofit or public organizations, such as land trusts.

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Federal help could boost farmland preservation in 10 states

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Currently, 10 states would qualify, according to Edward Thompson Jr., General Counsel to the American Farmland Trust in Washington. Those states are California, Connecticut, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, Pennsylvania, Rhode Island and Vermont.

The bill was introduced this spring by Sen. Patrick Leahy (D-Vt.), Chairman of the Senate Agriculture Committee, after discussions with the American Farmland Trust. It was introduced in the House by Rep. Peter H. Kostmayer (D-Pa.).

Ten-year loans made by lending institutions to state trust funds used to administer farmland preservation programs would receive no payments on the principle for the first ten years. The trust fund would be entitled to receive an interest rate subsidy at the allowable rate for the first five years and at no less than three percentage points for the second five years.

Under the new program, loan guarantees can equal no more than double the amount the state makes available for acquiring interests in land, and the federal share would not exceed \$10 million per fiscal year per state.

The Delaware legislature could reconsider a PDR program next session and New Yorkers will vote on a land acquisition bond issue Nov. 6. North Carolina may consider a PDR program soon.

"The biggest time constraint is the political process," said Steve Etko, policy analyst for the American Farmland Trust. "Theoretically, any state could put something together," he said.

Whether such states as Kentucky, which fund farmland retention initiatives through other programs could qualify for the loan guarantee program is unclear. Kentucky has fostered farmland preservation initiatives through its historic preservation office.

For Kentucky to qualify for assistance under the new program would be "stretching it," Etko said. Subject to interpretation, however, is whether the entire trust fund of a particular state must be exclusively devoted to preservation activities, he said.

States administering other farmland preservation techniques would seem not to qualify, he said. Tax break programs would not be eligible, he said. Also, states that have worked simply on an ad hoc basis with land trusts appear to be ineligible for assistance from the program.

Although federal involvement in state land

use matters has some historical significance, the federal deficit will chill any plans for celebration, said Robert Gray, a land use consultant in Washington, and former executive director of the National Agricultural Lands Study, completed in 1980.

"I don't see the federal government being a major player in this area," Gray said, adding that he sees now a "retrenching" against growth management initiatives due to the current economic slump.

The assistance would be most welcome, however, in states such as Massachusetts, where bond money for easements has been stalled and just \$2 million is left uncommitted, said Rich Hubbard of the Mass. Ag Preservation Restriction Program.

Legislation similar to the intent of the current bill was attempted in 1979, when Rep. James Jeffords of Vermont sponsored the Agricultural Land Protection Act. The act would have provided seed money and technical assistance for state and local government pilot programs.

The 1979 legislation was defeated amidst concerns that such involvement would lead to federal land use planning.

Contact: Steve Etko, (202) 659-5170.

Farmland preservation gains following in rural initiatives

WASHINGTON, D.C. — Rural preservation efforts nationwide are beginning to incorporate farmland preservation initiatives, according to Larry Aten, chief of Interagency Resources Division for the National Register of Historic Places. The agency is part of the National Park Service, which administers funding and monitors the activities of state historic preservation agencies.

Rural preservation efforts in some localities have also blended historic preservation with farmland retention efforts when circumstances allow, according to Marilyn Fedelchak of the National Trust for Historic Preservation.

State historic preservation efforts "have given fair attention to their rural areas," says Larry Aten. "What seems to be coming to the surface... is the evolution to a more comprehensive, more holistic approach," with a "noticeable trend toward interest in landscape orientations."

Local and state rural preservation initiatives may have a federal counterpart in the National Park

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D.C. bypass would create sprawl, more traffic, study says

ANNAPOLIS, MD – A study conducted by a Washington, D.C. land use consulting firm warns that the proposed Washington, D.C. bypass would accelerate the pace of sprawl and would not significantly alleviate the traffic woes of the metro area, the primary objective of the Maryland and Virginia departments of transportation.

In fact, the study concludes, the new highway would attract development to newly accessible points, merely spreading traffic congestion over a wider area.

The study, commissioned by the Chesapeake Bay Foundation, concludes that urban sprawl would continue unchecked due to the inability of local governments to control low density development. Sprawl would continue "at the expense of agricultural, forested and environmentally sensitive lands," the study reports.

Under the 1987 Chesapeake Bay Agreement, the entities surrounding the world's most productive Bay — Virginia, Maryland and Pennsylvania, as well as Washington, D.C. and the federal government, agreed to reduce point and non-point source

pollution and committed resources for planning the management of growth in the region.

In 1988 the Governors' Panel on the Year 2020 concluded that large-lot development throughout the region was a major factor in the degradation of the Bay, manifested by the destruction of forests, agricultural land and sensitive habitat areas and the corresponding increase in impervious surfaces, increasing both the amount and toxicity of runoff into the Bay.

The current consultant's study concludes in addition that "best management practices" used or encouraged by many local jurisdictions, can reduce non-point source pollution but "experience shows that BMPs are not cost effective and are difficult to maintain in low-density residential developments."

The study clearly determines that construction of a major highway through the region would make the stated goal of reducing sprawl and its environmental effects unattainable.

Jurisdictions at risk of increased development pressure due to bypass routes under consid-

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Investors' hot spot puts Hawaii farm industry in danger zone

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ning to feel it too," said Tom Nakama at the state Department of Land and Natural Resources, Division of Water and Land Development.

"Sometimes economics gets in the way," of following the state's Agriculture Functional Plan, said Nakama, who said development pressure is great where land values have skyrocketed. "Farmland preservation is of great interest, but in some districts it is not happening," Nakama said.

Hawaii is divided into four districts: agricultural, conservation, rural and urban, with permitted uses for each. For land use changes petitioners request boundary amendments through the state Land Use Commission.

Hawaii contains 6,425 square miles of combined land area on its eight major islands and 124 islets, an area larger than Connecticut, but smaller than Massachusetts.

One program to strengthen agriculture in the state is the Agricultural Parks Program, in which the state leases land to farmers. In response to the state constitution's mandate of assuring the availability of affordable farmland, the state estab-

lished the program in 1974.

In the ag parks program, the state develops and leases lots within designated agricultural parks for qualified farmers, according to Paul Schwind, planning program administrator for the Department of Agriculture. Five of nine committed projects have been completed and leased for long terms at rentals from \$28 to \$250 per acre per year. In 1986, the Department of Agriculture was given broad authority to develop and manage the lands.

At completion, the program will have developed and leased close to 4,000 acres. About 3,000 acres are currently leased. Most lots are being used for flower, foliage, nursery, orchard and vegetable production. Thus far, more than \$112 million has been spent on the program.

In addition to the Agricultural Parks Program, Hawaii enacted a right-to-farm law in 1982. The law protects farmers from nuisance lawsuits if they are operating within environmental, health and other guidelines.

Contact: Earl Yamamoto, or Paul Schwind
(808) 548-7133.

Highway would bring more sprawl to Virginia, Maryland

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eration include Montgomery County, Maryland, one of the nation's leaders in farmland preservation, as well as neighboring Howard and Frederick Counties. All three counties operate their own farmland preservation programs in addition to the Maryland program. One of the proposed routes to the west of Washington poses a serious threat to the farmland preservation efforts of these counties, the report states, and is "wholly out of line" with

The study examines how the proposed routes would disrupt the long-range planning goals for 15 counties.

planning efforts.

The proposal for a western bypass "penalizes counties that have made substantial efforts to institute growth management programs by inducing growth pressures in areas that have been set aside for permanent protection..." and its construction would "place pressure on counties to rezone agricultural and conservation areas to allow higher residential densities," the study states.

Two of the proposed western bypass routes would cut into the interior of Montgomery County's 90,000-acre agricultural preserve, where more than 29,000 acres have been placed under easement. The county is aggressive in pursuing all farm acreage in the preserve, and has formally

opposed the western routes, according to Jeremy Criss, Planning Specialist for farmland preservation in Montgomery County.

The study examines how the proposed routes would disrupt the long-range planning goals for the 15 counties the routes would affect, and analyzes conflicts to comprehensive plans.

Analyses for two rural counties the bypass would not traverse are included, examining how potential improved access to them has already increased land speculation within their boundaries.

The study concludes that a regional growth management strategy would serve to mitigate some growth pressures caused by the bypass, but documents the inability of local governments, particularly in Virginia, to curb development. Virginia courts have repeatedly denied local governments the authority to restrict development based on inadequate infrastructure or need for open space.

Virginia is a Dillon rule state, in which local governments may exercise only those powers expressly granted to them by the legislature.

The study, conducted by Resource Management Consultants, Inc., could be the first transportation study to examine highway construction as a cause of urban sprawl.

The study is available from the Chesapeake Bay Foundation, according to Kristin Pauley, consultant to the CBF's Lands Program.

Contact: Kristin Pauley, (301) 268-8816.

National Trust: Are rural policies, preservation compatible?

WASHINGTON, D.C.— A study conducted by the National Trust for Historic Preservation, and to be released in December, could determine that federal rural development policies need to be more in tune with historic preservation objectives.

The purpose of the study, funded through the U.S. Dept. of Agriculture, is to assess the compatibility of two federal policy areas: rural development and historic preservation, according to Marilyn Fedelchak, coordinator of the National Trust's rural initiative. Twenty-three agencies whose activities affect rural areas, 47 rural programs and 23 non-metro counties are part of the study.

Susan Kidd, director of the southern regional office of the National Trust in Charleston, S.C., says USDA policies have resulted in the

demolition of historically valuable sites. "The objective ... is to gather information about how federal rural development programs are actually administered and implemented in the field, and their real impact on historic and cultural resources," she said.

A consultant for the study said it should show how federal agency policies and activities could encourage the use of older or existing buildings for operations when possible. "There might be more opportunities to use historic buildings— and it should be cost effective to do so," said Sam Stokes, a Washington-area consultant in historic and cultural resources.

The study has been conducted with the assistance of the Urban Institute.

The American Farmland Trust: battling the domino effect

In 1989 a well-established 507-acre cherry orchard located on Michigan's Traverse Bay peninsula was a coveted site for vacation home development, with the kind of offers no landowner could refuse.

The orchard land at the end of the peninsula was seen as the first domino in a potentially unending string of development starting at the peninsula's tip, back to the mainland. The domino effect, if it took place, would end more than 100 years of continual fruit production on what is recognized as one of the world's best fruit growing locations.

It is the domino effect that the American Farmland Trust (AFT) has sought to prevent in scores of land protection projects nationwide since its inception in 1980. In the case of the Michigan

The domino effect, if it took place, would end more than a century of continual fruit production in one of the world's best locations

cherry orchard, residents called on the AFT to help them find a way to save the peninsula from its imminent demise as an agricultural community: the domino effect was foreseen. The AFT responded with emergency funds to purchase the property. The land was later sold to the state of Michigan.

The American Farmland Trust, a private, non-profit organization, is the nation's only organization whose primary mission is to protect farmland from conversion. By the end of its first decade of operation, the Trust had placed conservation easements on about 26,000 acres of farmland in 19 states, and assisted local land trusts and state agencies in protecting tens of thousands of additional acres of prime farmland.

A necessary component to the land preservation mission, the Trust learned, was to encourage better farming practices that conserve not only the soil, but the farmer's pocketbook. To preserve farmland, the goal must also be to preserve farming.

Thus the AFT advocates small-scale farming and low-input agriculture to decrease the amount of chemicals used and the equipment necessary to use them. At the same time, that alleviates ill effects to the environment.

"If you're preserving land, you've got to make sure the environment doesn't suffer," said

Jim Riggle, Director of Operations at the AFT's Washington headquarters. "We failed to recognize initially that the business side needed to be managed," he said. The AFT's mission didn't change fundamentally, but its scope broadened.

Through a study of the nation's eroding soils, the AFT was instrumental in convincing Congress, in 1985, to establish the Conservation Reserve Program (CRP). The program pays a farmer on a per-acre basis to establish permanent wildlife cover or trees on highly erodible acreage for a minimum of 10 years.

As an educational effort, the AFT, working with the state of Illinois, established the Illinois Sustainable Agriculture Society. Through the Society, the AFT demonstrated low-input or sustainable agriculture methods to stimulate interest in food production that is less costly and more ecological.

Working at the federal, state, and local levels, the AFT has been active in helping governments make policy and draft legislation to establish purchase of development rights (PDR) and transfer of development rights (TDR) programs.

"We've literally pioneered how to do farmland preservation transactions," said Jim Riggle. Providing legal language and teaching public officials how to manage farmland protection programs is "a major chunk of what we do," he said.

The AFT routinely coordinates conservation easement transactions between cooperating groups, and assists in establishing local land trusts. It provides expert testimony on topics such as planning tools for controlling growth and cost/revenue relationships in residential growth patterns.

The American Farmland Trust's mode of operation is one of building partnerships between the groups that stand to gain from innovation in agriculture — between business and government, farmers and ecologists. The ultimate goal is not only to save farms, but also to save the communities that provide the goods and services on which farms depend. On the side, cultural and historic resources may more readily be preserved as well.

The American Farmland Trust headquarters is located at 1920 N St. NW, Washington, D.C. 20036. The Trust has regional field offices in Massachusetts, California and Illinois. New field offices have been opened in Pennsylvania and New York. Contact: Jim Riggle, (202) 659-5170.

Oregon farmland: How well protected?

SALEM, OR. — Since 1973, local land use planning in Oregon has been meshed with a complex and mandatory statewide planning program established by SB 100, the Oregon Land Use Act. Prior to 1973, the state's role in land use planning was minimal.

The Oregon Land Use Act required all of the state's 36 counties and 242 cities to adopt comprehensive plans and land use regulations. The law spelled out preservation and conservation goals and set standards that each jurisdiction was to meet. In addition, it established a review process to monitor the localities' compliance.

Technique: mandatory statewide planning; exclusive ag use zones
Administered by: Department of Land Conservation and Development

Although the state mandated certain zoning goals, such as the placement of agricultural land in exclusive preservation zones, the state also mandated its own agencies to conform to local plans, and the state provided assistance in developing comprehensive plans.

The Land Use Act set down 19 "Statewide Planning Goals" complete with enforcement provisions. Some enforcement provisions have been used. Two of the 19 goals deal directly with the preservation of farmland. Goal Three is to preserve and maintain farmland by adopting exclusive farm use (EFU) zones. These zones must be separated from urban growth areas by buffers of "transitional areas of open space." Also, Goal 14 requires all cities to establish "urban growth boundaries" that will prevent sprawl.

The statewide planning program is administered by the Department of Land Conservation and Development (DLCD), which serves the Land Conservation and Development Commission, the policymaking body, whose members are appointed by the governor. The DLCD is a small state agency, with between 30 and 40 employees.

Appeals to land use changes are heard by the three-member Land Use Board of Appeals, essentially a state court.

It has taken more than a decade to complete the state's 278 local plans, which have resulted in 26 percent of the state's private land being zoned for agriculture. Land zoned for forestry makes up 14 percent, urban zones, three percent, and land zoned for rural development, two percent. The remaining 55 percent is public land, mostly federally owned.

Some of the state's farm and forest zones allow creation of new parcels as small as 20 acres, but most set minimums of between 40 and 80 acres, with some as high as 320 acres, according to Mitch Rohse, communications manager for the DLCD.

In 1987, the Oregon legislature tightened its monitoring of certain land use decisions made within exclusive farm use (EFU) zones. Counties are required to submit semiannual reports to the Land Conservation and Development Commission, which in turn submits an annual report to the legislature's Joint Legislative Committee on Land Use. The semi-annual reports submitted by counties are for periods Sept. 1 - Feb. 28 and March 1 - Aug. 31.

Among the assessments that can be made from the

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legislative briefs ...

In New Jersey ... Three townships in Burlington County are considering establishing TDR. Each township has about 70% of its land mass under agricultural assessment, according to Chuck Gallagher of the Burlington County land use office.

The three townships comprise about 45,000 acres. Two of the townships could establish TDR within a year, Gallagher said.

In Florida ... Several counties have passed bond referenda that will provide matching funds for land conservation monies allocated under Preservation 2000, according to the governor's office. Preservation 2000 is the recent \$3 billion bond sale for purchase of environmentally sensitive lands. Farmland would qualify for allocations.

In Kentucky ... A new zoning ordinance for Woodford County places 85% of the county's land into a 30-acre minimum lot size agricultural zone. A second ag. zone allows units based on a sliding scale with 15 units maximum on 100 or more acres.

In Maryland ... Harford County passed a bill to establish TDR. The Baltimore County Ag Land Preservation Advisory Board has developed and approved a local program including easement purchase, tax breaks and supplemental payments to state easement offers. The plan will be scheduled for review and legislative action.

In California ... A gubernatorial veto ended a move to clarify the Calif. Environmental Quality Act (CEQA) as it relates to agricultural land. The amendment would have required review and mitigation of development's impact on farmland.

Napa and Contra Costa counties in the Bay area, and Yolo County, which shares a border with Sacramento, will be voting Nov. 6 on initiatives that would freeze current zoning for 20 to 30 years, unless changed by referendum.

Yolo County's initiative would allow no development in unincorporated areas. Napa County's initiative would freeze zoning in ag. watershed

For copies of bills or information on items in legislative briefs, call the numbers below.

- New Jersey** (609) 265-5787
- Florida** (904) 488-8466
- Kentucky** (606) 272-6656
- Maryland** (301) 692-2708
- California** (415) 543-2098
- Washington** (206) 586-3668
- Mass.** (617) 722-1532
- New York** (518) 457-2715

and open space areas, which includes most of the county's land mass. Contra Costa's initiative would, in addition to the zoning freeze, establish a 40-acre minimum lot size in all ag areas.

In Washington ... Initiative 547, which calls for required planning in every county, is meeting strong opposition from the state's media, which claim the legislation is too sweeping and has legal holes that would tie it up in the courts.

The initiative followed the enactment of House Bill 2929 last July, "an act relating to Growth," which requires land use plans only in the state's most populous counties and provides guidelines for any county that chooses to plan under the act.

At least one jurisdiction not required to comply, Pacific County, has chosen to place itself under the act. A resolution is expected this month from the county commissioners, according to Jim Sayce, senior planner.

Pacific County is the state's southernmost coastal county, with a population of 18,000 (1990 census).

In Massachusetts ... Under consideration is a bill that would add a 14% penalty to rollback taxes on parcels withdrawn from the state's preferential tax assessment program and converted within five years. Currently farmland has no interest penalty.

A purchase option provision in the bill would allow municipalities to purchase properties that are withdrawn from the program and immediately placed on the market.

In New York ... The 21st Century Environmental Quality Bond Act, to be voted on this month in a referendum, would make available \$800 million for land acquisition, including farmlands.

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Commission's annual reports is whether farmland is adequately protected as required by Goal Three. The annual reports show the number of decisions, their regional and county distribution, soil types, parcel sizes and changes between reporting periods.

The 1989 report stated that "the data ... suggest some trends which may be of concern to the long-term preservation of agricultural land." The report said that nonfarm dwellings and parcels continue to be approved throughout EFU zones on large parcels with soils suitable for farm use, even while the key statutory standard for the approval of a nonfarm dwelling is that the land must be "generally unsuitable for the production of farm crops and livestock."

In addition, a parcel cannot be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land.

In spite of these regulations, nonfarm dwellings approved in EFU zones show an upward trend and "continue to be a concern," said Mitch Rohse. "There are some people concerned about the

Permits Approved in Exclusive Ag Use Zones in Oregon, 1987 - 1989

	1987	1988	1989	% change 87 - 89
Nonfarm dwelling permits approved (reporting periods are from 9-1 to 8-31)	264	288	468	77 %
Nonfarm partitions approved (from 5-20 acres typically)	128	162	237	85 %
Parcels created from above partitions	189	232	321	70 %

Figures provided by M. Rohse, DLCD, State of Oregon, 10-90

adequacy of present laws to protect farmland," he said.

Dwelling unit permit approvals have increased, as well as partition approvals, said Rohse. Partitions in the EFU zones allow up to three dwellings, Rohse points out, therefore those numbers are of more concern than numbers of dwelling permits.

Figures from the one-year period ending Aug. 31 1989, the latest reporting period figures available, show an 85 percent increase in partitions between 1987 and 1989. The figures are represented in the table above.

The state responded to this increase by initiating a study of how well farmland is protected, or, how it is not. "Our study will show us what [the figures] mean. It could be that those numbers are acceptable and not at all incompatible with farming," Rohse said. "Or, it could mean it is too many [approvals] and is interfering with commercial farming. That would be a policy problem. Or, the policy could be fine, but it's not being administered properly."

Also, Rohse said, it will be important to see where the majority of these new units are going. That could also affect the response to the study. The study, conducted by the Department of Land Conservation and Development, is expected to be completed this spring.

Contact: Mitch Rohse, (503) 373-0064.

Rural preservation initiatives have farmland retention goals

continued from page 3

Service, according to Aten. "The Park Service has awakened to the fact that parks are not islands. A loss of traditional agricultural landscape is a major concern or becoming a major concern," he said.

The Park Service has acquired conservation easements on a large tract of farmland near Charlottesville, Va., called Greensprings, in order to preserve unique agricultural activity in its historical context.

The Park Service has also acquired numerous conservation easements on tracts adjacent to the Walden Pond Reservation in Concord, Mass. to preserve the countryside known to H. D. Thoreau in the mid-1800's.

The authority to acquire conservation easements originates from the Historic Sites Act of 1935.

In the future, Aten said, the Park Service may study purchase of development rights (PDR) as a possible mechanism for preserving landscapes adjacent to public lands.

Contact: Larry Aten, (202) 343-9500.

Survey standards set in Pennsylvania PDR program

HARRISBURG, PA.—Land survey inaccuracies in PDR properties has led the Pennsylvania Department of Agriculture's farmland preservation program to establish a survey standard by which localities can decide whether a PDR application requires a new survey.

The survey standard was initiated after a PDR application was delayed due to survey inconsistencies, according to Fred Wertz of the state farmland preservation office.

The standard will allow one foot of error for every 200 feet.

"It's especially important in areas where you have building going on near a property where you have an easement," says Tom Daniels, director for the Lancaster County program. Surveys are costing between \$4,300 and \$6,500, he says, but that cost is likely well below that of possible boundary conflicts. The state department estimates that a full half of all PDR properties may require new surveys. Several properties have been re-surveyed, according to Daniels.

The state preservation program is funded through a \$100 million bond issue approved overwhelmingly by voters in 1987. The program was established in Nov. 1988 with a current program budget of \$45 million.

The Pennsylvania Agricultural Land Preservation Board has approved farmland protection programs in 10 counties. The state completed its first easement purchase transaction in Dec. 1989.

Contact: Fred Wertz, (717) 783-3167.

resources ...

Publications

• *Analysis of Land Use Effects of the Proposed Washington Bypass*

By Robert J. Gray, et. al.

Resource Management Consultants, Inc. 173 pp.

See article, page 3. Study prepared for the Chesapeake Bay Foundation. A major portion of the study included 15 case studies of the counties that would be affected by at least one of the proposed routes. July 1990. Released by CBF early November. Maps. Call the CBF at (301) 268-8816.

• *Rural Planning and Development in the United States*

By Mark Lapping, Thomas Daniels, and John Keller

Guilford Publications. 1989. 342 pp. \$19.95

This comprehensive book describes and analyzes the processes shaping rural America's society, economy, landscape, and environment. It describes how rural America came to be and ways in which public policy influences rural America today. The book examines specific economic sectors in rural development — agriculture, forestry, recreation, fisheries and mining — and analyzes such key issues as conservation, the operation of land markets, the role of land tenure in determining planning options, and the

pivotal role of environmental law for rural planning and development. Call 1-800-365-7006. In NY call (212) 431-9800.

• *Farmland Preservation Program: History & Current Perspective*

Suffolk County Planning Commission
County of Suffolk, New York. 28 pp.

Background, problems and outlook of the nation's oldest purchase of development rights program. Suffolk County is located on Long Island. "The primary problem associated with the Farm Preservation Program is that land costs rose so sharply in the 1980's that the original goals of preserving 12 to 15,000 acres of farmland will require more funds than originally envisioned. Another problem is the lack of open land in general which puts pressure on the preserved farmland for a wider variety of uses than is allowed in the program." Aug. 1990
Call (516) 360-5192.

• *Land-Saving Action*

Edited by Russell L. Benneman and Sarah M. Bates

Island Press. 250 pp. \$24.95

Comprehensive collection of private land conservation techniques by 29 experts. Produced in cooperation with the Conservation Law Foundation of New England. Charts, bibliography, index. Call 1-800-828-1302.

• *Private Options: Tools and Concepts for Land Conservation*

Montana Land Reliance and the Land Trust Exchange.

Island Press. 296 pp. \$25

Thirty authorities on private land conservation offer their expertise on how to contain urban sprawl, conserve wetlands, and protect wildlife. Excellent to recommend to active citizens and groups. Bibliography, index. Call 1-800-828-1302 or write Island Press, Box 7, Covelo, CA 95428 for catalog.

Conferences

Dec. 9 -12: National Urban Conservation Symposium, Kansas City, Mo. "Balancing the Environment and Urbanization" sponsored by the National Assn. of Conservation Districts. Workshop and focus group topics include: land use planning, nonpoint source pollution, open space and ag land preservation, urban forestry, information systems, waste management and recycling, government relations. Cost: \$125. Call NACD Del.. Office at (302) 734-7337.

March 7 & 8: "Saving the Land that Feeds America: Conservation in the 90's" sponsored by the American Farmland Trust. J.W. Marriott in downtown Washington, D.C. Workshop topics include farmland preservation strategies, environmental impacts of agriculture, wetlands, forestry. Invited speakers include Sen. Patrick Leahy of Vermont; William K. Reilly, EPA director. Confirmed speaker: James Mosely, Asst. Sec. for Natural Resources & the Environment. Cost: \$150. Call Margot Wolman at (202) 659-5170.

farmland preservation report

... covering the policies, practices and initiatives
that promote farmland and open space retention

October 1990

Premiere Issue

Welcome to Farmland Preservation Report

Dear Subscribers:

I hope you will gain much new information and many ideas from this, the premiere issue, and from every issue you receive.

As a former newspaper journalist, I promise to provide comprehensive, accurate and objective coverage of the news, information and issues relevant to farmland preservation as well as conservation of rural resources, both cultural and historic, related to open land retention. I will be covering the many state and local programs now in place or being developed, as well as federal agencies, non-profit organizations and private groups whose activities promote farmland and rural preservation goals. I hope you will also enjoy our "Resources" listing on the back page.

Call us at (301) 692-2708 if you have news you would like to share. I look forward to serving you.

Deborah Bowers, Editor & Publisher

New appraisal formula will raise easement values in Md.

ANNAPOLIS, MD.—A new set of criteria for appraising farmland easement value has changed the way the Maryland Agricultural Land Preservation Foundation evaluates applications for the state's farmland easement or development rights purchase program, established in 1977.

The new appraisal criteria include development pressure, location, interest rates and potential for agricultural use, as well as other factors affecting farmland value. The new criteria will be weighted in a point system, also a new feature for the program. Maryland joins Rhode Island and New Hampshire as well as Lancaster County, Pa., which use point systems for evaluating farmland

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Political climate supports TDR pilot project in New Jersey

CHESTERFIELD, N.J.—Burlington County, New Jersey is the site of a transferable development rights demonstration project that could become a much needed model of success for the concept of TDR, says Burlington County land use coordinator Amanda Jones. Jones believes the county has the necessary political elements to make TDR work.

**Technique: transfer of development rights
Administered by: local planning office**

In 1989, the New Jersey state legislature passed the Burlington County Transfer of Development Rights Demonstration Act, enabling the state's largest agricultural county to test TDR viability for New Jersey.

Three townships within Burlington County are especially suited for TDR, according to Jones. "We targeted three rural communities. One township [Chesterfield] has just the right combination -

a progressive planner, leadership on the commission, and farmers willing to try something new."

Prior to developing a TDR ordinance, municipalities are required under the 1989 statute to: provide estimates of anticipated population and commercial growth; identify all prospective sending and receiving areas; estimate land values in the sending area; estimate the existing and proposed infrastructure of the receiving area; and assess the general real estate market. The statute also allows

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Farmland retention key element for Kentucky rural preservation

LEXINGTON, KY.—A conservation program that would include easements on farms is a key part of the Kentucky Heritage Council's rural and historic preservation goals, according to rural preservation coordinator Susan C. Braselton.

Technique: easement purchase
Administered by: state historic preservation office

Braselton, an attorney, is most likely the first state-employed rural preservationist in the nation, according to Larry Aten, Chief of Inter-agency Resources for the National Park Service, the agency that allocates funding for and monitors state historic preservation programs.

Serving in an advisory and technical assistance role to local governments and citizen groups, Braselton said her objectives are to establish programs and models by which local governments can establish or strengthen rural preservation initiatives, including farmland preservation.

"Rural preservation goes beyond historic preservation to incorporate farmland retention, open space and scenic views," she said, adding

that the Council, which is the state historic preservation office, is also interested in exploring the use of agricultural districting.

The Council's program will use multiple techniques to protect rural buildings and landscapes, including comprehensive planning and the creation of land trusts. The Council may also explore transfer of development rights.

Additional program objectives are "to ensure inclusion of a rural preservation component in county and community comprehensive plans; to conduct an inventory of natural, cultural, scenic, historic and agricultural resources in each rural county or community; to assist local governments and private groups in their rural conservation efforts and rural land use planning; and to develop a model rural preservation plan based on case studies carried out in Kentucky."

The program has gained the interest of landowners with parcels on or adjacent to historic sites, Braselton said. The program receives state funds as well as federal funding through the National Park Service.

Contact: Susan Braselton, (502) 564-7005.

Burlington County tests TDR viability for New Jersey

continued from page 1

for two or more municipalities to develop a joint program for transfers, but Jones says such compatibility is not in the foreseeable future.

In addition, the law allows properties under easement in the state's easement program to be transferred into TDR credits and sold, thus building revenue for the easement program. This has not yet been done, according to Donald Applegate, executive director of the State Agriculture Development Committee, who suspects it will be a long time before it can be put into practice.

The Burlington County Land Use Office, which works closely with the State Agricultural Development Committee, coordinates the three demonstration TDR programs providing technical assistance and public education. For the first year of its project, the Land Use Office also worked closely with a steering committee that included representatives of the state departments of environmental protection and transportation, as well as planners, farmers, architects and developers.

The steering committee assisted in: the development of a Receiving Area Design Ordinance that would mitigate concern over high density; the formula for awarding sending-area TDR credits; and the structuring of the credit transfer process.

Consultants have been hired to help revise municipal master plans and zoning ordinances, and to examine fiscal implications.

Anton Nelessen, an architectural consultant and associate professor at Rutgers University, was retained to implement a Visual Preference Survey, a tool he developed to help communities define their own preferred standards for existing and future building designs and village functions.

In Chesterfield Township, 264 residents participated in the survey, which was funded through a grant from the Conservation Foundation's Successful Communities Program.

Contact: "Mindi" Jones, (609) 265-5787; Anton Nelessen, (609) 497-0104.

New appraisal formula will raise easement values in Maryland

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easement value.

"We hope to have [the point system] simple enough so that farmers can use it," said Paul Scheidt, executive director of the Maryland Agricultural Land Preservation Foundation at the state Department of Agriculture. Scheidt said the new system should help farmers feel more comfortable in making bids in the sale of easements. The system will be updated each year to take into consideration such changes as flood damage and development pressure, which would be reflected in land rent and interest rates, Scheidt added.

Technique: easement purchase & ag districting
Administered by: state Dept. of Agriculture through planning offices in each county

Under Maryland law, the maximum value of easements is the difference between the fair market value and the agricultural value of the land, or, the asking price of the landowner, whichever is lower. The new appraisal system should make the agricultural values lower, said Scheidt, thus increasing the difference between the agricultural value and the market value, and therefore increasing the easement value.

Although some counties that currently have higher agricultural land values based on soil ratings may experience the lower end of the easement value scale, the trend seems to indicate, said Scheidt, that the easement values will almost consistently come out higher than before the addition of the new appraisal criteria.

Many Maryland farmers can reap additional benefits through incentives established by localities. Harford County, just northeast of Baltimore, last year adopted a 100 percent property tax abatement for landowners selling easements and a 50 percent tax break for landowners forming agricultural districts, the first step in the program. Washington County enacted a 100 percent property tax abatement Aug. 29, and Charles County provides a 100 percent exemption for farmers creating agricultural districts. Howard County provides a tax rebate of 75 percent on land only.

Other jurisdictions are in various stages of

considering property tax relief or other incentives to participate in the state easement program. Montgomery, Carroll and Howard Counties, located in the Washington, D.C. metropolitan area, administer their own farmland preservation programs as well as the state program. Those programs will be profiled in upcoming issues of FPR.

In addition to the new appraisal formula, a new certification program will allow localities to apply for extra funding under certain circumstances. The state Office of Planning will assist in the certification process.

The Maryland Agricultural Land Preservation Foundation (MALPF) was established in 1977 to slow farmland loss. The program works in two steps: Acting alone, or with adjacent landowners, a farmer forms an ag district with 100 or more acres, agreeing not to develop the land for at least five years. If the district is accepted, the participant(s) may sell easements through a bidding process.

Over the last 10 funded years, 57 percent of eligible applicants sold easements to the state, resulting in the protection of 79,482 acres, according to the program's 1989 annual report. With an average farm size of 149 acres, the average asking price was \$997 per acre, with annual averages from \$884 per acre to a high of \$1,432 per acre in 1989.

In 1989, prior to establishment of the new appraisal criteria, the average appraised value per acre was \$1328, up about 50 percent from 1988. The average actually paid per acre was \$1189, affected by lower asking prices. The "competitive bidding" mechanism, carried out by farmers wanting to assure an offer from the state, has saved more than \$9 million for the program since it began.

Considered by many as having the most successful farmland preservation program in the nation, MALPF is up against tough odds in the land conversion game: although farmland loss slowed in FY 1989 due to downward trends in the real estate market, the state lost nearly 40,000 acres to development in FY 1989.

The state has lost an average of 24,266 acres per year and saved 8,975 per year based on performance over the last eight years. In early 1990, agricultural land accounted for 2,250,000 acres, over one-third of the state's land area. It is currently estimated the state could lose, by the year 2000, 168,201 acres based on current loss figures. *Contact: Paul Scheidt, (301) 841-5860.*

North Carolina counties to seek funding for easement programs

RALEIGH, N.C.— Although only \$25,000 has been appropriated, Wake County, which surrounds the city of Raleigh, has established a purchase of development rights program, and will help initiate a multi-county quest for state funding to establish farmland preservation programs, according to Rick Bailey, director of the Wake County Soil and Water Conservation District.

Technique: easement purchase

Administered by: Soil & Water Conservation District

"We want to put together a coalition of counties," said Bailey. Forsyth County, which includes the city of Winston-Salem, was the first county in the state to establish a PDR program. It requested funding from the state three years ago, but the legislature declined, citing not enough interest from other counties, according to Jim Riggle of the American Farmland Trust (AFT), a national non-profit organization that assists local and state governments in developing programs that encourage farmland retention. The AFT assisted Forsyth County in its plans and offered to develop a pilot program for the state. [The AFT will be profiled in the November issue.]

In October 1989 the Wake County Commissioners approved a PDR program modeled after Forsyth County's. Last month the commissioners designated 175,000 acres, 35 percent of the county's land mass, to target for preservation.

"We were losing 8,000 acres per year, one to two thousand of those being prime farmland," Bailey said. A Sierra Club study showed the loss of one-half of Wake County's farmland since 1950.

"We felt that PDR was the approach to go with," said Bailey, because an immediate need was felt and other methods, such as tax breaks were seen as not aggressive enough. Wake County farmers have responded positively, Bailey said.
Contact: Rick Bailey, (919) 250-1050.

Farmers active in Wisconsin tax credit-based program

MADISON, WIS.— Nearly 24,000 Wisconsin farmland owners saved \$28.6 million through property tax relief in 1989, as part of the state's farmland

preservation program, according to Secretary of Revenue Mark Bugher. The average credit was \$1,192, making the average reduction 35 percent.

About 8.1 million acres are protected largely as a result of the tax incentive. Localities

Technique: property tax relief

Administered by: state Dept. of Agriculture

were required in 1982 to establish farmland protection plans and/or exclusive ag zoning for their farmers to qualify for tax credits.

Farmers may also qualify by forming a "farmland agreement" whereby no development is allowed and no construction permitted unless it is for farm use. The agreement period is 10 to 25 years. Criteria include parcel size and gross profit requirements. Parcels must also be in a preservation area under the state plan.

The state's total farmer tax credit participation was 42 percent, with some counties registering between 72.8 and 98.5 percent participation.

The Wisconsin Farmland Preservation Act became law in 1977. Programs are initiated at the local level through planning and zoning.

Contact: Dan Hunt, (608) 266-6963 for program information; Mark Bugher, (608) 266-6466.

Tenn. county preserves open space in subdivision design

FRANKLIN, TENN.—Williamson County officials have approved a housing subdivision design that incorporates a pattern of open space preservation that may be unique in the state. Williamson County is the southwest metro area of Nashville.

Technique: creative subdivision design

Administered by: local planning office

Although Tennessee environmental regulations prohibit shared septic systems outside of the jurisdiction of a wastewater authority, (in Tennessee, only incorporated areas, not counties, have functioning wastewater authorities) Williamson County achieved clustered small lots with adjacent open space and joint septic systems.

Williamson County planners created 20,000-square foot lots allowed under an affordable housing option by state environmental law, with a site design placing much of the open space in front of the lots, using a village green approach. Build-

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Illinois farmland bureau chief is farmers' ombudsman

SPRINGFIELD, ILL.—At the Illinois Bureau of Farmland Protection, a majority of staff time is devoted to monitoring state agency development projects for compliance with Illinois ag land preservation policy, and to assisting counties in establishing their own site assessment guidelines. In addition, the staff reviews the state's 36 ag districts, comprising 89,250 acres.

Technique: ag districts; ombudsman role
Administered by: state Dept. of Agriculture

But that is just the usual routine, says Bureau Chief Steve Chard, who has led innovative efforts on the state's behalf for farmland protection.

Over the years, Chard and his staff of five, two of whom are assigned full time to farmland preservation, have taken on myriad tasks that assist the state's farmers when the projects of state agencies conflict with farming. About 30 percent of all development in the state is contracted by state agencies, Chard says.

Tasks have included serving as a watchdog over utilities companies digging pipelines through farmland, monitoring mining operations to check compliance with reclamation law, and keeping an

eye on politically trendy wetlands legislation to urge that new laws to protect wetlands not supersede farmland protection criteria.

Utility operations often hamper farming operations, says Chard, not only burdening the farmer with ground disturbance along the utility line, but often threatening the farmer with the power of eminent domain law. Chard's office contacts landowners along the planned line routes to inform them of the plans and "forewarn them."

Mining operations in Illinois are probably under some of the most stringent rules for reclamation in the U.S., according to Chard. His office reviews all mining applications and conducts on-site inspections to see that mining areas are restored to fully productive farmland.

Next year, Chard hopes to draft legislation that will strengthen the state's Farmland Preservation Act. The 1982 law requires nine state agencies to review state-funded construction projects for their impact on farmland. He would like to see agencies use less valuable land and less land area for projects as well as a policy requiring locations closer to urban centers.

Contact: Steve Chard, (217) 782-6297.

Minnesota completes pilot, begins statewide program

ST. PAUL, MN. — Statewide implementation of a tax-credit based farmland preservation program was initiated early this year following completion of a pilot demonstration for Minnesota's 1984 Agricultural Land Preservation Policy Act, according to Douglas K. Wise, program administrator.

Technique: tax credit
Administered by: state Dept. of Agriculture

The pilot program, which established land preservation plans and ordinances in five counties, was administered by the state Department of Agriculture. In post-pilot implementation, counties wanting to participate must prepare preservation plans which include designation of land for long-term ag use and land for development.

Upon approval of a county's plans by the Commissioner of Agriculture, farmers within long-term ag use districts may place restrictive covenants on their properties. Incentives include a \$1.50 per acre annual tax credit (Minn. average

farm size is 325 acres); protection from nuisance suits, eminent domain, annexation, and assessments for public water and sewer construction.

Currently, 276 restrictive covenants have been filed, protecting 40,632 acres. Most of these covenants are held in Waseka County, located in the far southern part of the state, in the middle of the corn belt. Other active counties are Winona, along the Mississippi River in the state's far southeast, and Wright, west of the Twin Cities. Farms entering restrictive covenants must establish conservation plans, and eight years must elapse before farmers can file for termination of covenants. Minnesota has not established a purchase of development rights or easement program.

The state Department of Agriculture retained a film company to produce an informational video on the ag land preservation program. The 12-minute video interviews county officials who have implemented the program.

Contact: Douglas Wise, (612) 296-5226.

Nation's oldest PDR program takes small parcels as "ag infill"

SUFFOLK COUNTY, N.Y. — The nation's oldest purchase of development rights program, authorized in 1974, now protects more than 6000 acres of some of the nation's most expensive farmland. With a present budget of \$10 million and a request for \$5 million additional for 1991, the program, administered by the county's planning department, is completing negotiations on parcels that will total an additional 750 acres. Exact tabulations on acreage will be completed at the end of this year.

In addition to recommendations for 1990, there is a waiting list of farmers wanting to enter the program, according to Planning Director Arthur Kunz.

Suffolk County makes up the eastern two-thirds of Long Island, long known for its potatoes and Long Island duck. In more recent years, a wine grape industry has taken hold. Only tourism tops agriculture in Suffolk County industry.

Suffolk County pays about two-thirds market value per acre for development rights. "We get less land for our money," says Kunz, because of the county's proximity to New York City. A price of \$20,000 per acre is not uncommon in the eastern part of the county.

Closer to the city, land is virtually untouchable. Kunz states that Suffolk County has, however, paid as much as \$100,000 an acre for a farm in Huntington in the county's far west end, about 20 miles from Queens. The purchase was made, he says, to protect groundwater and to preserve open space.

Many of the farmers wanting to sell development rights have small farms that are adjacent to or surrounded by other parcels with rights already sold. The county's program sets no minimum parcel size, considering each application on a case-by-case basis. The program has accepted parcels of ten acres or even less if it "fits into a block," says Kunz. Recently the program purchased rights on a small parcel that contributed to the spirit of the PDR program by helping to fill in a block as "agricultural infill." However, says Kunz, the department rarely accepts a free-standing farm smaller than 25 acres.

The program's main technical problem, according to Kunz, are requests for residential uses on PDR parcels. The program is strict: any building for other than agricultural use must be reviewed by the Suffolk County Select Committee on Agriculture and then approved by the Suffolk County legislature. The planning department initiates the proceedings.

Begun in 1972 by County Executive John V.N. Klein, Suffolk County PDR, which operates entirely on county funds, with three towns contributing matching funds, has long served as a model for development rights purchase programs. The program has apparently not lost its original appeal to Suffolk farmers. "I just try to keep up with the requests," says Kunz.

Contact: Arthur Kunz, (516) 360-5190.

legislative briefs...

In Illinois ... A bill that would have exempted incorporated areas from a law requiring Dept. of Agriculture review of state and local government construction projects, failed. The bill sought to allow local jurisdictions to expand infrastructure beyond corporate limits without farmland conversion as a criterion for review. The Department of Agriculture's Bureau of Farmland Protection conducts the review. The Illinois Municipal League held that the law inhibits economic development. The bill is expected to be re-introduced next session.

In Maryland ... Harford County passed legislation creating a piggy-back payment to the state's easement purchase program that will boost per acre offers by 10 to 20 percent. Last year the county granted a 100% property tax break to farmers selling easements as well as a 50% break to those forming agricultural districts. (Forming districts is the first step in the state program.) Washington County enacted a 100% tax break on land and farm buildings for forming an ag district. Baltimore County is considering both tax breaks and supplemental payments to farmers selling easements. St. Mary's County enacted a TDR program that became effective Aug. 1. Frederick Co. adopted a bonus system to boost appraised easement value.

In Virginia ... The Virginia General Assembly 1990 session established a joint subcommittee to study transferable development rights. The subcommittee will report its findings and recommendations to the 1991 session. Five TDR bills, including three this session, failed despite strong support from several urban/suburban jurisdictions.

In Kentucky ... Meanwhile, Kentucky passed an enabling statute similar to TDR legislation that failed in Virginia, authorizing local comprehensive plans to adopt TDR. The bill, SB 405, had strong support from Woodford County.

For copies of bills or for information on items in legislative briefs, call the following numbers:

Illinois	(217) 782-6297
Virginia	(804) 786-7681
Kentucky	(502) 564-8100
Delaware	(302) 736-4811
California	(916) 445-9748
Washington	(206) 586-3668
Florida	(904) 487-4545
Maryland- call FPR	(301) 692-2708
Rhode Island	(401) 277-2781

In Washington ... SHB 2929 mandates land use planning in the state's fastest growing jurisdictions, including all coastal counties. Environmental groups seek an amendment to require planning in all jurisdictions.

In California ... SB 2011, passed by a vote of 44-18, and will make it illegal for local jurisdictions to deny some low-cost housing proposals. The bill had included a clause that would have made it more difficult to protect farmland from encroachment. The bill was amended at the request of the American Farmland Trust and the Calif. Farm Bureau Federation....the passage of AB1979 will clarify the Calif. Environmental Quality Act (CEQA) as it relates to agricultural land, requiring review and mitigation of development's impact on farmland....AB 655, a bill that would have established a conservation easement program funded through a bond referendum, failed in the two-year legislative session that ended Aug 31.

In Delaware ... Gov. Michael N. Castle vetoed a bill that would have created an agricultural district program. The legislature will likely reconsider the bill next year.

In Florida ... The legislature approved a \$3 billion bond sale for purchase of environmentally sensitive land. A farmland easement purchase program will qualify for allocations.

In Rhode Island ... The Dept. of Agriculture is lobbying to build support in next year's legislature for permanent property tax-free status on deed-restricted farmland in addition to the state's PDR.

New state funding helps Lancaster County easement program mature

LANCASTER, PA.— A farmland preservation program established last year in Pennsylvania has strengthened the Lancaster County Agricultural Preserve Board's nine-year-old farmland preservation program. The program currently protects 90,000 acres in agricultural security areas, and holds 6,379 acres under easement, according to program director Tom Daniels.

Lancaster County's agricultural security areas are initiated by landowners who combine their parcels to create a minimum of 500 acres (contiguous or non-contiguous) of committed farmland. The areas do not have to be in the same townships and do not have to be zoned exclusively for agriculture. Benefits to the farmer include protection under a right-to-farm law, protection from condemnation, and the eligibility to sell easements. Every seven years, agricultural security areas are reviewed not by the county but by the townships, in which zoning authority in Pennsylvania is vested.

To date, 17 perpetual easements totaling 1,542 acres have been purchased, and 19 easements holding 2,090 acres under the 25-year term option have been purchased, for a total of 36 easements and 3,632 acres. In addition, another 3,056 acres have been donated.

Lancaster County ranks first in the northeast in farm sales. The county generated \$741 million in farm sales in 1988, ranking 18th in the nation. Figures for 1989 were unavailable at press time.

Lancaster County farming is unique in that it plays host to an estimated five million tourists each year, drawn by the presence of the Amish, or Pennsylvania Dutch community. About one-third of the county's farmers are Amish, Mennonite or Brethren. Thus the county's farming industry doubles as a tourist attraction, and is a vital link in the county's economic well-being.

Located just 40 miles from Philadelphia, the county attracts many new residents each year. Between 1950 and 1980 the county population grew by 127,000 people. From 1980 to 1988, that number increased by 14.3 percent, a higher rate than any other county in the state, says Daniels.

Planning for farmland retention began with a comprehensive plan in 1975 that identified 278,000 acres that should be preserved. Agricultural zoning ordinances were adopted by most of the county's townships by 1989.

In 1983 the county placed 12,100 acres into a special planning classification it called an Agricultural Preserve. However, because townships hold zoning authority, not counties, the preserve was not restrictive. A few townships in the county, says program director Tom Daniels, have a rural zoning classification that allows one dwelling unit per acre.

In 1984 the county Agricultural Preserve Board purchased its

Lancaster County gets state boost

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first easements, paying \$250 per acre for perpetual or 25-year term easements. Most landowners selling easements opted for the latter. After passage of a 1987 state referendum that established a \$100 million fund for a state program, the Board authorized the use of appraisals to determine easement value. That year, under the appraisal system, four easements totaling 422.8 acres were purchased at an average price of \$1,050 per acre.

Over the past year, says Daniels, the Board has in most cases offered 100 percent of appraisal value to applicants, though the law does not require it.

The 1987 referendum established the Pennsylvania Bureau of Farmland Protection, which allocated \$25 million in 1989 in the form of matching grants to counties purchasing easements.

The state allocation is expected to drop from \$25 million to the \$10 million range through the 1990's, according to Daniels. He estimates that the county's annual share will decrease from \$2 million in 1990 to about \$900,000 in subsequent years, allowing purchase of only about 800 acres per year.

In spite of funding decreases, says Daniels, key farms that are preserved will help stabilize local land markets. In addition, Daniels has observed that most townships are reluctant to allow rezoning in Agricultural Security Areas.

Lancaster County now employs two full-time staff for its preservation program. Three other counties employ full-time directors for farmland preservation and two counties employ part-time coordinators, according to Fred Wertz, state program director.

Contact: Tom Daniels, (717) 299-8355.

Subdivision design saves open space

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ing areas were placed on soils not suited for septic, while areas that were suitable were designed to also serve as communal open space.

The open space areas were assigned by easement to the homeowners

association, for passive recreational use and grounds maintenance, while homeowners are required to upkeep their individual septic systems.

The unique design won unanimous approval from the Williamson County Commission, "quite unusual for a subdivision twice as dense as usually allowed," said Judy Daniel, Director of Planning. "We consider it quite a breakthrough in subdivision design for non-sewered areas."

Daniel said the open space preservation initiative was inspired by the work of Randall Arendt, Director of Planning and Research at the Center for Rural Massachusetts, at the University of Massachusetts at Amherst. Arendt spoke before the Tennessee Chapter of the American Planning Association last November, presenting the conceptual basis of open-space zoning, in which design standards go beyond conventional clustering in an effort to preserve a significant percentage of a parcel for open space or for farming.

The Center for Rural Massachusetts developed a design manual for communities wishing to preserve rural character while accommodating growth. (The design manual is described in the Resources section of this issue of FPR.)

Contact: Judy Daniel, (615) 790-5725; Randall Arendt, (413) 545-2255.

resources ...

Publications

• *Creating Successful Communities: A Guidebook to Growth Management Strategies*
By Michael Mantell, Stephen Harper, and Luther Propst
Island Press. 207 pp. \$24.95

This comprehensive and easy-to-read guide published through the Conservation Foundation is the perfect book to recommend to active citizens and groups. It outlines a multitude of techniques that can be spearheaded by citizen groups whose objectives are to protect community character and integrity. It profiles local programs to illustrate how techniques can be administered. The book is available in many public libraries, or through Island Press, Box 7, Covelo, CA 95428.

• *Dealing with Change: A Design Manual for Conservation and Development*
By The Center for Rural Massachusetts
Lincoln Institute of Land Policy. 184 pp. \$25

This manual was developed by the Center for Rural Massachusetts (CRM) of the University of Massa-

chusetts. Based on research done in the Connecticut River Valley, it provides models that are applicable to any rural community dealing with growth pressures. "Neither developers nor conservationists are happy with conventional municipal land-use regulations...." said Randall Arendt, CRM associate director, in *Zoning News* in Oct. 1988. "Both bemoan the fact that most small rural communities have zoned themselves in an exclusively large-lot suburban fashion that prevents innovated development patterns.... Many towns have prohibited other residential development options and employ policies that essentially mandate sprawl.... There are smarter ways to grow." Includes 48 full-page color illustrations contrasting conventional suburban subdivisions with creative approaches that preserve open space and farmland. Call (617)-661-3016.

• *Development in the Philadelphia-Trenton Region, 1970-1980: A Pilot Study of Land Use Change*
By Robert E. Coughlin, Stephanie Cohn, and E. Jane Keagy
University of Pennsylvania. 30+ pp. \$7

Every five years since 1965 the Delaware Valley Regional Planning Commission has documented land use in the nine-county region of Philadelphia-Trenton with a series of air photographs. This study team at the Univ. of Pennsylvania Dept. of City and Regional Planning determined that data in size distribution of development projects as well as succession of land uses and spatial patterns of land use was lacking due to budget cuts of the early 1980's. The study shows that farmlands are used for development three times more often than other types of open land. Tables and graphs. Write to Research Report Series, Dept. of City & Regional Planning, Univ. of Pennsylvania, Philadelphia, PA 19104-6208. Make checks payable to Univ. of Penn.

• *Development in Wright County, Minnesota: The Revenue/Cost Relationship*
By Robert J. Gray
Resource Management Consultants, Inc. 70 pp.

This study assesses the revenue and cost connection with growth at different densities in various sections of Wright County, Minnesota. In particular, cost/revenue relationships of growth near existing infrastructure is compared with growth in rural areas that lack established infrastructure. Tables and graphs. Published 1989. Call (202) 408-5111.

Conferences

Oct. 27: 1990 New Jersey Environmental Congress, Freehold, New Jersey. "Where are We Growing To? Creative Land Use Strategies." Featured speaker: Randall Arendt, Director of Planning and Research, Center for Rural Massachusetts, University of Massachusetts, Amherst. Workshop topics include: TDR; How to Start a Land Trust; Open Space Preservation; Creating Successful Villages and Hamlets. Time: 8 a.m. - 4 p.m. Location: Freehold Township High School. Cost: \$25 for members of the Assn. of N.J. Environmental Commissions (ANJEC), \$35 for non-members. For information call ANJEC (201) 539-7547.