



**American Planning Association**

*Making Great Communities Happen*

## Policy Guide on Agricultural Land Preservation

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### Summary of Key Points

- Critical agricultural land is being developed at a rate higher than population growth;
- The nature of agricultural production is changing and appropriate growth management techniques must recognize, and be proactive to these changes;
- Most traditional zoning tools have minimal efficacy to protect against the development of agricultural lands;
- Communities must develop, implement and enforce multiple mechanisms for the effective preservation of productive agricultural land (i.e. urban growth boundaries, purchase of development rights, exclusive agricultural zoning);
- Agricultural productivity must be allowed to be a viable economic activity;
- Farming is a business that also has environmental, public and aesthetic implications;
- Agricultural land should be protected and preserved in large contiguous blocks in order to maintain a "critical mass" of farms and agricultural land;
- Agricultural land preservation must be distinguished from open space preservation and must be viewed as protecting commercially viable farms and productive agricultural land which *incidentally* provides open space amenities;
- Right-To-Farm provisions/protections must be included in agricultural land preservation programs, plans and policies;
- Environmental stewardship must be integral with effective agricultural land preservation programs, plans and policies (i.e. erosion management, ground water protection, buffering, etc.);
- Taxation strategies should be developed to discourage the conversion of agricultural land to other uses;
- The extension of *urban* services into agricultural areas should be discouraged;
- Implementation of agricultural land preservation programs, projects and policies are best implemented and enforced when they are done so at the local level with technical and financial support from state and federal sources; and
- The viability of the local economy, especially a strong commercial "core" is essential to the long-term preservation of agricultural lands.

### Issues and General Statements

At the moment, there is more U.S. agricultural land than necessary to meet market demands. But over the long term, as populations in the U.S. and abroad continue to grow rapidly, there will be a greater need to protect the remaining finite amount of good agricultural land.

Agricultural land is steadily being lost through both non-farm development and soil erosion. This Policy Guide addresses the former problems: urban development on good agricultural land that could be accommodated on less productive land. In this Policy Guide, good agricultural land is referred to as "Important Agricultural Land," which has been defined in the Farmland Preservation

Policy Act of 1981 as consisting of either prime agricultural land, unique agricultural land, or other agricultural land that is of statewide or local importance.

Even when metropolitan areas are not increasing in population, much scattered development occurs in their vicinity. Much of this scattered development is on Important Agricultural Land, whose physical characteristics are generally excellent for building.

Scattered development in farming areas removes agricultural land from production both directly and indirectly. Development directly removes the agricultural productivity on which it is built. Indirectly, it may force nearby farmers out of production by traffic, trespassing, and pilferage by non-farm residents, by their complaints about dust, smells, sprays, and noise, and especially by causing a general rise in land values, and higher property taxes.

All states have recognized the need to preserve good agricultural land and have provided tax and other incentives for farmers to continue farming. But only a few, such as Wisconsin, have linked the incentives to controls preventing development. The federal government, and most states (Oregon is the outstanding exception) have inconsistent land use and infrastructure policies that generate pressures for development in farming areas.

### Findings

- America's farmers own the majority of the nation's privately held land;
- The average age of America's farmers is over 50 years old;
- About half of the nation's food supply comes from metro and metro-adjacent counties. These counties are where most of the projected population growth will occur;
- The population of the United States is projected to increase to as much as 393 million people by the year 2050, up from 262 million in 1995;
- Recent land use trends have shown a rate of increase in land development that far exceeds the rate of population growth. The result has been sprawling residential, commercial, and industrial development that has often occurred on agricultural land;
- Farming is a business that also provides many public benefits, including open space, wildlife habitat, and ground water re-charge;
- Those states and local governments that have achieved a measure of success in agricultural land preservation employ a coordinated package of techniques, including: agricultural zoning, preferential taxation of agricultural land, right-to-farm laws, purchase or transfer of development rights, and urban growth boundaries or urban service areas;
- There are about 240 million acres of prime agricultural land in America. Roughly one-quarter of this land is located within metropolitan areas;
- The United States loses anywhere from several hundred thousand acres to a million acres of agricultural land to other uses each year;
- Although the United States currently has an abundance of agricultural land and an abundant supply of food, this could change over the next 50 years, given national and global population and development trends;
- Agricultural land loss is especially important at the local and regional levels in many parts of the United States;
- Agricultural land should be protected and preserved in large contiguous blocks in order to maintain a "critical mass" of farms and agricultural land. The critical mass will enable farm support businesses to remain profitable and sustain local and regional agricultural economies;
- Agricultural land preservation must be distinguished from open space protection. The purpose of protecting agricultural land should be to protect commercially viable farms and agricultural land which incidentally provide open space; and
- The preservation of agricultural land and farming is dependent on the strength of the local agricultural economy. A critical mass of agricultural support activity must be preserved to help make farming a viable business enterprise.

## Policy Positions

### **1. APA Chapters support legislation that incorporates agricultural land preservation into long range planning consistent principles of smart growth at the state, county, and municipal levels including the issue of equity.**

Reasons for this support:

a. Two primary planning goals are to provide locations for necessary urban development and to protect natural resources, such as good agricultural soils. If growth is properly directed, the two rarely come into conflict. If it is not, neither goal can be achieved. Therefore, agricultural land preservation programs should not be independent of more general growth management programs.

b. Agricultural land preservation is necessary to curb urban/suburban sprawl and re-focus development into existing downtowns and areas with appropriate infrastructure. Growth boundary strategies can work only if development in the countryside is held to a minimum.

### **2. APA Chapters support legislation that sets forth their state's policy on agricultural land protection. Such a policy should:**

a. recognize important Agricultural land as a valuable natural resource that all levels of government should protect for future generations.

b. require that state funds for infrastructure facilities, especially for highways and sewer facilities, not be provided unless the State Secretary of Agriculture, the State Planning Board (or similar agency/organization), and other appropriate state natural resource planning agencies find that the facilities will not be detrimental to the continuation of agriculture.

c. explicitly authorize county and municipal governments to adopt agricultural zoning ordinances as an appropriate technique for protecting agricultural land. Such agricultural zones would limit non-agricultural development to densities and development patterns that are consistent with the continuation of agriculture.

d. explicitly authorize county and municipal governments to adopt and fund transfer of development rights programs and purchase of development rights programs for the preservation of important Agricultural land.

*Reasons for this support:*

A policy statement on the preservation of agricultural land by the state legislature can provide clear legal authority and a hospitable policy environment that can strengthen local programs against various types of political and legal attacks. While a policy set by gubernatorial executive order is often a very useful first step, it is incapable of providing the legal underpinning that is inherent in legislation.

### **3. APA National calls upon Congress to amend the Farmland Preservation Policy Act of 1981 to require that Federal agencies withhold public funds for proposed projects if those projects are inconsistent with adopted growth management plans.**

*Reasons for this support:*

The intent of the Farmland Preservation Policy Act is clearly to prevent the construction of infrastructure that would lead to irreversible conversion of Important Agricultural land to non-farm uses where the non-farm uses could be accommodated on land of significantly lower agricultural productivity. To date, the administration of the Act has spawned a paperwork game, but has not prevented the funding of inappropriately located infrastructure. Sensible planning and growth management demand consistency between land use policy and infrastructure location.

**4. APA National supports legislation that extends from governors to local governments the right to sue in cases where the intent of the Farmland Preservation Policy Act is violated or its implementing procedures are not being carried out. Add land use mediation tools to prevent lawsuits.** (Look at wetlands)

*Reasons for support:*

Few governors have concluded that the prospect of change as a result of legal action outweighs the cost of bringing suit. Extension of the right to sue to local governments and individuals will increase the pressure on the Department of Agriculture to carry out the intent of the Act.

**5. APA Chapters support re-authorized and increased funding for federal grants to state and local governments for the purchase of development rights to agricultural land.** The Federal Agricultural Improvement and Reform Act of 1996 provided \$35 million for state and local PDR programs. This money has been spent. Section 388 of the Act should be re-authorized by Congress and funded at \$50 million a year.

- a. interest among farmers in preserving their land far outstrips current available funding. For example, Pennsylvania has over 1,000 applications on backlog.
- b. state and local governments have appropriated more than \$800 million for PDR programs and have preserved more than 400,000 acres.
- c. Congress is phasing out most farm crop and milk subsidies by 2002. This will save billions of dollars. Funding for PDR programs at a modest \$50 million a year will help farmers who want to see their land continue to be farmed.

The \$50 million a year will provide much needed seed money to jumpstart new state and local PDR programs and to give support to existing programs in 15 states and dozens of localities.

**6. APA Chapters support state legislation that links incentives to continue farming (such as state income tax credits or differential assessment for property taxes and affirmative supports for the business of agriculture) with controls preventing conversion of the recipient's agricultural land to non-farm uses.** These controls could range from strict agricultural zoning to permanent easements forbidding non-farm development and should supplement and not replace existing incentive programs that provide temporary protection for farmland.

*Reasons for this support:*

Controls on land use would help insure that the public achieves its purpose in paying for costly incentives. Any development incentives, policies or programs that would lead to irreversible conversion of Important Agricultural land to non-farm uses where the non-farm uses could be accommodated on land of significantly lower agricultural productivity should be discouraged. Infill development should be encouraged, keeping agricultural land for agriculture.

**7. APA Chapters support state legislation that levies a tax on the conversion to non-farm uses of important agricultural land in areas designated for agricultural land preservation.**

*Reasons for this support:*

The feasibility of maintaining commercially viable farming in a designated area is weakened whenever any agricultural land within that area is developed. The proposed tax would discourage the development of such agricultural land for non-farm purposes. It also would provide more funds for agricultural land preservation and would provide them from a logically related source. Such a program currently exists in Maryland.

**8. APA Chapters support legislation that establishes non-regulatory agricultural districts wherein agriculture is the recognized long-term use.**

*Reasons for this support:* 

The statutory identification of areas for long-term agricultural use is a first step in shaping public growth management programs and landowners' expectations.

Agricultural districts have been used in 14 states and are valuable even if participation in a district is voluntary and does not prevent an owner from converting to non-farm use.

**9. APA Chapters support state legislation that requires comprehensive plans to address the preservation of Important Agricultural Land and to specify programs and techniques for its protection.**

*Reasons for this support:*

Historically, comprehensive plans have regarded agricultural land simply as land in reserve for future urban development. It is important that state statutes underline the resource value of good agricultural land and the public obligation to protect it for agricultural use by future generations.

**10. APA Chapters support legislation that will eliminate exemptions from the normal subdivision process that would result in the division of Important Agricultural Land into parcels that are too small for commercial farming.**

*Reasons for this support:*

The division of land into smaller parcels, which many more potential non-farm buyers can afford, insidiously transforms the land market from a rural one to an urban or exurban one with per-acre prices that exceed the value a prudent farmer would pay for productive agricultural land. As a result, farmers cannot compete successfully for land. For example, Colorado allows 35-acre subdivisions by right. These parcels are far too small to support commercial ranching operations.

Therefore, the exemption of agricultural land from the normal subdivision process, as is permitted in many states, should be restricted so that divisions will not create parcels smaller than appropriate for the continuation of the existing types of commercial farming in the area.

**11. APA Chapters support ongoing agricultural land mapping and monitoring programs such as LESA (USDA Land Evaluation Site Assessment), GIS, and land classification system in order to document the amount of land in farm production and the rate at which it is being converted to non-farm uses.**

*Reasons for this support:*

Rational planning and effective growth management depends on knowledge. Data on the rate of urbanization and the conversion of agricultural land are woefully lacking in most states. GIS mapping can be used to identify and monitor agricultural land conversion.

**12. APA National and Chapters support Federal and state farm policies that maintain the economic viability of agriculture through value added products or industries which use materials from agriculture, as a means of protecting agricultural land usage.**

*Reasons for this support:*

Farming is a business, and there will be no agricultural land without farmers to work the land. If farming can provide a reasonable return on investment and a decent standard of living, farmers will be less tempted to sell their land for development.

**13. APA national and chapters support state and local regulatory approaches to promote agricultural preservation such as TDR's performance zoning, agricultural preservation districts and other similar techniques where feasible.**