

Agricultural Preservation

Packet Synopsis

Agricultural preservation is often perceived as an urban or metropolitan area problem or challenge. In the urban or metropolitan area of influence and growth, **agricultural preservation** is as much an ecological and open space issue as it is an economic and livelihood issue. The agricultural-urban interface also raises serious compatibility problems as well as land use conflicts. But even in the non metropolitan areas of Minnesota, land use conflicts arise.

The United States ceased to be a predominantly rural society between the 1910 and 1920 U.S. censuses. Minnesota remained a predominantly rural society somewhat longer, into the 1940s.

The preservation of America's prime agriculture lands is deemed by many policy-makers to be a vital long-term strategic interest. It is important for assuring the American people a healthy, diverse, adequate and reasonable cost diet. Agriculture and agricultural products are also significant in the nation's domestic and foreign commerce and to the well-being of many communities.

"How to Save a Farm", *Planning*, American Planning Association, Chicago, February 1995 describes the concept of "community supported agriculture", where the farmer sells shares of his crops directly to local consumers at the beginning of the growing season.

For the suburban community struggling to establish a "sense of place", connecting with their rural neighbors is an often overlooked tool. Why not have a farmers market as a daily or weekly event in the community's center? Markets attract people and create a sense of identity. Minneapolis and St. Paul have thriving farmers markets with St. Paul's being right in its urban core. They both preserve their areas' agriculture by providing markets for local growers.

Providing for an agricultural presence within a community's land use planning is a legitimate land use goal, even for metro area communities. The following items in this packet have been selected because of their pertinence and informative content regarding the subject.

From Policy to Reality: Model Ordinances for Sustainable Development, Minnesota Planning, February 2000. A model ordinance developed by the state's long-rang planning department for Minnesota cities, counties and townships to use in drafting their own ordinances to create agricultural and forest zoning.

Land Evaluation System and Site Assessment, Natural Resources Conservation Service, U.S. Department of Agriculture. Briefly outlines a federal program and system that has been developed to quantify, through a numeric rating system, a specific area or site's best land use. Recommended, especially at the Minnesota county and township level of land use planning.

“Farmland Pays Its Own Way”, *Public Investment*, American Planning Association, Chicago, March 1993. Reports on an empirical study by the American Farmland Trust “Does Farmland Pay?”, based on three costs of community service studies. Its conclusion is that agricultural zoned lands pay more in taxes than they require in services so are revenue positive to the taxing community. These results are replicated in a 1999 Minnesota study, *Cost of Services Study* by the Minnesota Department of Agriculture.

“The Need for New Models of Rural Zoning”, *Zoning News*, American Planning Association, Chicago, June 1996. Presents the thought that the present conventional zoning ordinance “designed to standardize development in the cities” is, as practiced, inappropriate to the needs of rural and semi-rural communities *unless* the community’s zoning ordinance and land use map are drafted and adopted *to support its land use plan*. This is especially true if the plan calls for focusing development in existing population centers, commercial development in historic town centers and maintaining a rural countryside. It presents some examples and suggestions for a new generation of rural zoning laws and gives a brief review of the “takings” issue which many local authorities think preclude or severely limit land use restrictions.

“The Conflict at the Edge”, *Zoning News*, American Planning Association, Chicago, February 1997. Offers and describes some land use tools to help deal with conflict at the agricultural-urban interface. These are: buffers, nuisance disclaimers in non agricultural land sales contracts, urban growth boundaries, agricultural zoning and right-to-farm ordinances or statutes.

“Saving Farmland: How Well Have We Done?”, *Planning/Planning Practice*, American Planning Association, Chicago, September 1990. An assessment of the basic planning tools that have been used to preserve an agricultural presence. The tools evaluated are PDRs (Purchase of Development Rights), land trusts, farmland zoning refinements and TDRs (Transfer of Development Rights).

Development at the Urban Fringe and Beyond: Impacts on Agricultural and Rural Land, Ralph E. Heimlich and William D. Anderson, Economic Research Service, ERS Agricultural Economic Report No. 803. 88 pp, June 2001, U.S. Department of Agriculture. An extensive study that is available on line. Included herewith are its Overview and its Summary. The study identifies two growth scenarios at the interface of agricultural and rural land, “at the urban fringe”. “beyond the urban fringe” is identified as the significant challenge. Large lots dominate this process and nearly 80 % of the acreage used for new house construction in 1994-1997 was in one acre and lots larger with 57 % on lots 10 acres and larger. Specific chapters are: Trends in Land Use: Two Kinds of Growth, Driving Forces, The Costs of Growth, Consequences for Farming, Local Responses to Growth and Potential Federal Roles.

“Formulating and Evaluating Agricultural Zoning Programs”, Robert E. Coughlin, *Journal of The American Planning Association*, American Planning Association, Chicago, Spring 1991. A good step-by-step guide to adopting an agricultural zoning program.

SPECIAL TOOLS

EPICplanner 1.0 – Planning Places with GIS, Minnesota Planning, St Paul, MN, 2002.

This is a user-friendly software program with an accompanying instructional guide specifically developed to meet the needs of county-level planners and other staff concerned with land use planning.

The program can be used for township and city land use planning and what is important is its relatively simple and fast modeling capabilities.

The guide and the software (2 CDs) have been distributed to all Minnesota county planning offices. It is also available free to Minnesota governments upon request to Minnesota planning. .

INTERLIBRARY LOANS MATERIALS

The following on **agricultural preservation** can be borrowed via MnLINK.

- Cost of Public Services Study, Minnesota Department of Agriculture, St Paul, MN. , 1999.
- Caring for the Countryside: A Guide to Seeing and Maintaining Rural Landscape Quality, Nassauer, Joan Iverson,. University of Minnesota, Agricultural Experiment Station, St Paul, MN., 1986
- Planning for Agricultural Land Preservation in Minnesota : A Handbook for Planning under Minnesota Statutes, Chapter 40A , Prepared by James Duncan and Associates with Iowa State University for the Minnesota Department of Agriculture, 1996.
- Farmland preservation property tax credits: the 1984 Agricultural Land Preservation Policy Act, Minnesota Department of Agriculture, St. Paul, MN.

LEGAL NOTES

Minnesota Statutes Chapter 473H has as its purpose to “provide an orderly means by which lands in the metropolitan area are designated for long-term agricultural use through the local and regional planning processes, will be taxed in an equitable manner reflecting the long-term singular use of the property, be protected from unreasonably restrictive local and state regulation of normal farm practices, be protected from indiscriminate and disruptive taking of farmlands through eminent domain actions, be protected from the imposition of unnecessary special assessments, and given such additional protection and benefits as are needed to maintain viable productive farm operations in the metropolitan area.”

Minnesota Statutes Chapter 40A, State Agricultural Land Preservation Policy has as its goals to:

- (1) preserve and conserve agricultural land, including forest land, for long-term agricultural use in order to protect the productive natural resources of the state, maintain the

farm and farm-related economy of the state, and assure continued production of food and timber and agricultural uses;

(2) preserve and conserve soil and water resources; and

(3) encourage the orderly development of rural and urban land uses.

MS § 40A.01 Subd. 2. Methods. states that the goals contained in subdivision 1 will be best met by combining state policies and guidelines with local implementation and enforcement procedures and private incentives.

Minnesota Statutes § 394.25 enables non metro local governments to adopt agricultural protection zoning.

Minnesota Statutes § 84C.01 to .05 authorizes conservation easements, the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

The following Minnesota Statutes govern the taxation of agricultural property:

- Minnesota Statutes § 273.111 provides for deferred taxation of agricultural properties and the conditions for the same.
- Minnesota Statutes § 273.124, subd. 23 provides for a special property tax classification and taxation for agricultural land.
- Minnesota Statutes § 273.1384, subd. 2 provides for a market value tax credit.

Minnesota Statutes § 561.19 establishes the protection of agriculture from nuisance lawsuits and the parameters required to qualify for this protection.

Minnesota Statutes § 17.80 to .84 establishes State agricultural land preservation and conservation policy and the guidelines or requirements for implementation of the same.

Minnesota Statutes § 394.305 requires notification of owners of agricultural land within 5000 feet for any proposed residential development of four or more units on lands zoned for agriculture.

Also included in this packet is a fact sheet *Minnesota's Agricultural Land Preservation Programs* prepared by the Minnesota Department of Agriculture, which gives brief descriptions and history of the statutes noted above.

The **Local Planning Assistance Center at the Department of Administration** helps local governments with planning efforts, including comprehensive planning, zoning, hazard mitigation planning, GIS applications and development issues.

Upon request, this document will be made available in an alternate format, such as Braille, large print or audiotape. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for the Department of Administration.

Local Planning Assistance Center

658 Cedar St., Room 300

St. Paul, MN 55155

651-296-6550

local.planning@state.mn.us

www.lpa.state.mn.us

