

## **Farmland Preservation Planning in Local Land Use Planning: Costs, Planning, and Effectiveness**

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### **Introduction**

Farmland preservation experts agree that the purchase of development rights alone cannot protect farmland over the long term. While the profitability of the farming industry is essential, a land use planning and regulatory framework is also needed to minimize competition over the farmland base. A comprehensive plan should describe the importance of farming to the local community and identify where future development should or should not be located over the next 20 years. To implement the comprehensive plan, effective agricultural zoning can control the intrusion of non-farm residences and commercial uses into farming areas, and compel growth to locate elsewhere. Urban growth boundaries can limit the extension of sewer and water lines into the countryside, and thus curb sprawl. Together, agricultural zoning and growth boundaries can help to protect farms that have been “preserved” through the sale or donation of development rights from conflicting non-farm developments. In addition, these two techniques can help protect valuable farmland for which there are not yet enough funds to buy development rights. Farmland preservation programs that lack these strong regulatory tools run the risk of preserving bits and pieces of farmland that then are vulnerable to being surrounded by non-farm uses. These fragmented land development patterns give rise to conflicts between farmers and non-farm neighbors, and can defeat the purpose of preserving the farmland in the first place.

Farmland preservation works when the land is preserved in large, contiguous blocks. This minimizes non-farm development and complaints about the noise, dust, odors, and slow-moving farm machinery. It also creates an atmosphere of greater certainty for farmers, in which they become more willing to invest in their operations because they know they will not have conflicts with neighbors. And when they invest in their farms, it’s more likely that family members of the next generation will be interested in taking over the farm operations.

### **Lessons from the Nation’s Most Successful County Farmland Preservation Programs**

The most successful county farmland preservation programs have five critical ingredients. First, these counties have active commercial agriculture that is generating more than \$50 million a year in the sale of farm products. In other words, there is an agricultural industry worth saving. As a related note, I think it is time that the US Department of Agriculture began to include the value of the horse industry in the nation’s

counties when measuring total farm output. Here in Maryland, the horse industry is big business. In Baltimore and Montgomery counties, it is worth more than \$100 million each year. If the USDA is going to include the value of horticulture in county agricultural production—and we do not eat flowers and shrubs—the horse industry, which helps keep landowners on the land, and keeps land open, and requires hay, grain, and veterinary services, should also be included.

Second, the most successful counties have done careful land use planning, indicating where development should or should not go. Beyond just drafting a comprehensive plan, these counties have adopted strong zoning ordinances to tightly limit the amount of non-farm development allowed in the countryside. In short, protecting the farmland base has driven the county's overall land use planning effort.

Third, these counties have put in place “urban growth boundaries.” These boundaries set limits on the extension of public sewer and water, and the location of new highways and schools over a 20-year period or longer.

Fourth, the successful counties have each preserved more than 30,000 acres of farmland so far and have the potential to add many more acres.

Fifth, the land use planning and farmland protection and preservation techniques form a coordinated package of policy tools. Moreover, this package is being replicated in other counties. It is important to note that Oregon has protected millions of acres of farm and ranch land without purchasing development rights. But Oregon's heavily regulatory approach has not been successfully replicated elsewhere. Moreover, the passage of Ballot Measure 7 by Oregon voters in 2000 would have effectively eliminated the state's land use regulations, if the Oregon Supreme Court had not ruled the Ballot Measure unconstitutional on a technicality. Ballot Measure 37, which passed in 2004, allows long-term landowners to challenge zoning and subdivision regulations and could compel local governments either to pay millions in compensation to landowners or relax land use controls, opening the door for sprawling development in the countryside.

Counties that meet these five criteria include Marin and Sonoma Counties in California, Baltimore and Montgomery Counties in Maryland, and Lancaster County in Pennsylvania. Other counties, such as Carroll County, Maryland and Chester County, Pennsylvania, have preserved more than 40,000 acres, but the zoning in the countryside—especially in Chester County—needs to be tightened. Kent County, Delaware has nearly 40,000 preserved acres, but has one-acre zoning in the countryside. Franklin and Addison counties in Vermont have preserved more than 30,000 acres each, but again the zoning is generally weak.

Counties that have strong local farming industries and have adopted good planning, agricultural zoning, and growth boundaries, and are on their way toward preserving 30,000 acres of farmland include Fayette County, Kentucky, Dakota County, Minnesota, and Kane County, Illinois.

## **How to Integrate Farmland Preservation into Local Planning?**

Clearly, there are important benefits from integrating farmland preservation into local planning. From a practical standpoint, how can we accomplish this integration?

First, there must be leadership and support from at least some farmers. Most people, farmers included, see planning as something that is “done to them.” If farmers don’t advocate for the financial compensation of purchase of development rights programs or the protection that growth boundaries and agricultural zoning give them, then who should?

If farmers in a community see no future in farming, they won’t speak in favor of farmland preservation. In fact, they will speak against it because they are looking to sell for the high development dollar.

Second, a strong outreach and educational effort is needed to inform the public and politicians about the importance of local agriculture and farm support businesses, and the reasons to maintain farmland. This outreach effort can be conducted by a county government or a private non-profit organization.

What farmers and ranchers value about their land is not necessarily what the public values. Farmland and ranchland are a bank account, collateral for borrowing, a retirement fund, an insurance policy, and a productive asset all rolled into one. The value of land is uppermost in the mind of landowners. And, yes, many owners of farmland and ranchland love their land.

The public likes the open space and the access to fresh produce. Farmers can charge for the produce, but they cannot charge for the scenery. Farmland is thus what economists refer to as “private property with public good aspects.”

The public does not particularly like the smells, dust, odors, and slow-moving machinery that come with agriculture. Public attempts to restrict agricultural operations through nuisance ordinances will hasten the departure of agriculture. On the other hand, farmers and ranchers have to be good neighbors in their agricultural practices.

Developers need to understand that open land raises the value of nearby developed real estate. Making peace with the development community is not easy, but an effective educational effort and planning process can identify land for development and preservation. Geographical Information System (GIS) mapping can be very helpful in identifying good farming areas as well as areas for future development (Tulloch et al., 2003).

Third, farmland protection and preservation must be stated as goals and objectives in the local comprehensive plan. The plan should also discuss the importance of the farming industry to the local community. Above all, the comprehensive plan should not label farmland as Vacant Land on the Future Land Use Map. Farmland is already highly

developed land for farming! Farmland is not simply a holding area for future development. This is critical because the Future Land Use Map is the legal basis for the zoning map.

The preservation of farmland is an essential ingredient in most Smart Growth programs on the metropolitan fringe (Bowers, 1991–2003; Daniels, 1999). It is never a bad idea to bring in an outside speaker to tell the local public this. Farmland preservation can separate designated growth areas from areas reserved for farming, open space, and natural areas. Maryland, in general, and Baltimore County, in particular, have done an impressive job of this. The price of compensating rural landowners for their development rights is generally worth the cost in the long run. Avoiding battles over where development will and will not occur saves time, money, and years of bad feelings.

Fourth, money is required. Put farmland preservation to a vote, either by the elected officials or the public. When farmland preservation becomes a political campaign, you have to demonstrate the net fiscal benefits of farmland preservation over development, not just the aesthetic superiority. Farmland generates more in property taxes than it demands in public services; most residential development demands more in services than it generates in property taxes. It will generally be less expensive to the taxpayers to spend money to preserve farmland than to have the land become planted in the last crop: houses.

Fifth, productive farmland in important locations should be preserved both to manage growth and to maintain a local agricultural industry that provides jobs, incomes, and tax revenue. Land preservation is its own advertising. Preserving large, well-managed farms makes the program look good. Preserving 10-acre ranchettes does not. If you can get the leading farmers in the community to participate, many other farmers will follow.

Sixth, agricultural zoning is not a pre-requisite for farmland preservation. Sooner or later, however, agricultural zoning will be needed. If you can preserve enough land, the regulations will fall into place. Once farmers limit their options by selling development rights, they will begin to see the value of agricultural zoning next door. No farmer wants to preserve his or her land and then see 35 new houses built along the back fence row.

Don't settle for half-baked zoning solutions like 5-acre minimum lot sizes or cluster development when the underlying zoning allows one house per 2 acres. These are suburban styles of development and that is what will happen to your farmland (Daniels and Bowers, 1997). Moreover, this sort of zoning will drive up the cost of buying development rights.

Seventh, agricultural economic development must be tied in since the profitability of farming is essential to the future of farming in a region. Farming is a business and needs to change and adapt with changing times and technologies.

Eighth, building trust and forging working relationships are necessary for successful farmland preservation. Building trust between farmers and local government is

fundamental, especially if farmers are going to be willing to sell their development rights to a local government. Also, cooperative efforts between local governments and private land trusts are important to make farmland preservation a public-private partnership (Endicott, 1993). These joint efforts can increase available funding, acres preserved, and publicity in the local media. And building trust between local governments and citizens is important because citizens as voters and taxpayers are a major funding source for farmland preservation.

## **Conclusion**

Farmland preservation takes time, and not every farm will be preserved or protected. Property by property preservation is often an awkward process and a frustrating way to do land use planning. Yet, in America, planning has traditionally meant planning for development, and slowly the planning profession is recognizing the need to plan for preservation as well (Daniels and Daniels, 2003). Land preservation is also expensive and money for land preservation is limited. This is where the economists can be helpful because economics is the study of the allocation of scarce resources (land and money in this case) among competing uses.

We all would like to preserve the right land and at a good price that makes the landowners, the elected officials, and the taxpayers happy. But the additional challenge is that landowners voluntarily sell or donate development rights. Hold-outs happen, with the potential to bring non-farm development into farming areas.

Finally, do not confuse the preservation of open space with the preservation of productive agricultural land. That is a mistake the public seems to make. If you act to preserve open space, you will probably end up with bits and pieces of land that cannot sustain an agricultural industry. But if you act strategically to preserve working farms in close proximity, you will maintain agriculture as a local industry and maintain the open space desired by the public.

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