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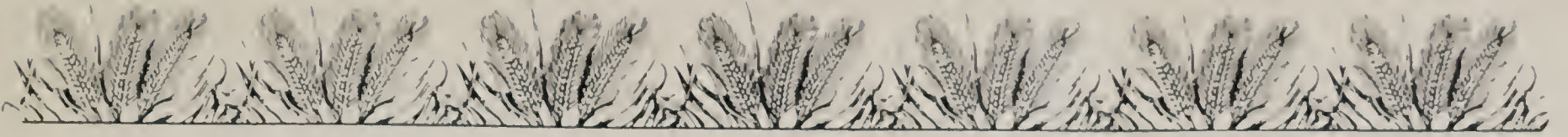
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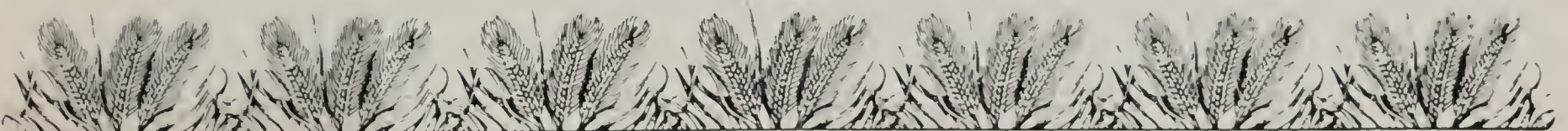
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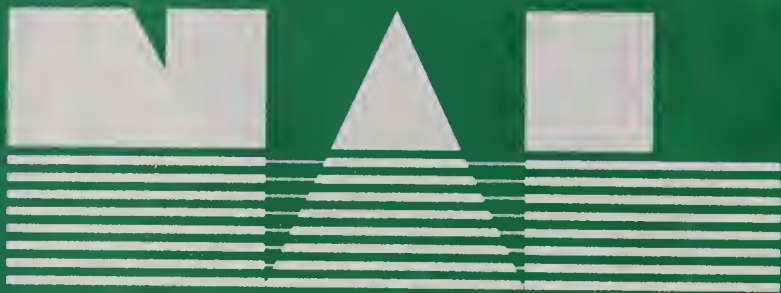
National Agricultural Lands Study

An Inventory of State and Local Programs
to Protect Farmland





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Agriculture



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OCT 13 1996

CATALOGING PREP.

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Preface

One of the first steps in the research effort which culminated in THE PROTECTION OF FARMLAND: A REFERENCE GUIDEBOOK FOR STATE AND LOCAL GOVERNMENTS was a survey of existing programs. This volume contains results of that survey.

It was not possible within the budget or time available to check each of the nation's local governmental units, or even each of its over 3,000 counties. As a preliminary step, our researchers searched the literature in city and regional planning, agricultural economics, and public administration in order to identify existing programs. Davies and Belden's A SURVEY OF STATE PROGRAMS TO PRESERVE FARMLAND (Washington: Council on Environmental Quality, 1979) and Wilson's STATE AGRICULTURAL LAND ISSUES (Lexington, Kentucky: The Council of State Governments, 1979) were particularly helpful. Researchers also examined state taxation and right-to-farm statutes, and the major indexed newspapers. This library review identified most state programs, but relatively few of the existing local programs.

The major inventory effort, therefore, was a telephone survey. Researchers telephoned each state department of agriculture and each state planning agency and other persons identified by The Council of State Governments, The Council of State Planning Agencies, and the National Conference of State Legislatures. The purpose of these calls was to verify and obtain documentation on major programs of each state and to identify, to the extent possible, any programs conducted by county or local governments within the state. Following the state level calls, researchers telephoned all county or local governments identified previously. Telephone interviews with local officials yielded detailed oral and documentary information on the scope, operation, and perceived effectiveness of local programs, and information on the existence of programs in other local jurisdictions. Officials from these jurisdictions were telephoned, in turn.

In addition, researchers identified all counties which might be presumed to have a strong incentive to enact agricultural land protection programs because they have a large percentage of prime agricultural land, a high population density, or a high rate of population growth. They then called any that had not been called previously. (Such counties were defined as having 10 percent or more of their

land in Class I and II soils, a 1970 population of 0.5 persons or more per acre, or an increase in population of 0.02 persons or more per acre between 1970 and 1974.)

All the programs identified are listed in The Summary of the Inventory (Section II). The inventory is reasonably complete as of March 1980, but new programs for protecting farmland are being proposed and adopted rapidly. A few programs which have come to our attention since then have been added.

The decision of whether or not to include a particular program in the inventory was based on whether the program was explicitly designed to protect agricultural land and on the apparent strength of its provisions. Decisions of whether to include certain programs of comprehensive planning, programs of agricultural zoning, and integrated programs of incentives and controls were particularly difficult. Nearly all jurisdictions engage in some sort of comprehensive planning and facility programming and many include the protection of agricultural land as a goal explicitly or implicitly through the designation of "agriculture" in land use plans. The degree of commitment of these programs to the protection of agricultural land varies widely and is difficult to determine without careful study, since agricultural preservation is only one of many program considerations. Therefore, we have listed only four comprehensive planning and facility location programs which we know to be serious and relatively effective.

Agricultural zoning programs also vary widely. Many so-called agricultural zoning districts offer little protection to agricultural land. The agricultural zoning ordinances selected for inclusion had to meet the following tests: (1) Is the ordinance an exclusive agricultural zoning ordinance? (2) If not, does the ordinance require a minimum lot size or density standard of at least 20 acres? (3) If not, does the ordinance require a minimum lot size or a density standard of ten acres coupled with additional controls over site improvements?

Finally, in lack of a clear definition of what constitutes minimal qualifications for an integrated program of incentives and controls, we have only included the state programs which are analyzed in Chapter 10 of the GUIDEBOOK.

An inventory sheet for most, but not all, of these programs is presented in Section III of this report. The intent of each inventory sheet is to identify the program, describe

its elements, summarize experience with it, identify related programs affecting the jurisdiction, and provide the names and telephone numbers of officials who can give additional information. The inventory sheets also identify population, economic, and agricultural characteristics of each jurisdiction. The sources of these data are described in Table 1.

The compilation of this material required the cooperation of a large number of government officials. We are most grateful to all of them for their cooperation, but we are responsible for any errors that may be found in the inventory.

Robert E. Coughlin, Vice President
Regional Science Research Institute

J. Dixon Esseks, Associate Professor
of Political Science
Northern Illinois University

William Toner, University Professor
of Environmental Planning
Governors State University, Illinois

Table 1

SOURCES OF DATA ON INVENTORY SHEETS
CONCERNING CHARACTERISTICS OF JURISDICTIONS

- Population '78: U.S. Department of Commerce, Bureau of Census, Current Population Reports, Series P-25, "Population Estimates for Counties, Incorporated Places and Minor Civil Divisions."
- Pop'n change '70-'78: Percent change between 1970 (1970 Census of Population) and 1978 (Population '78 above).
- Pop'n per sq. mi. '78: Population '78 divided by Total Land Area (see definition below).
- Importance of Agriculture-% employed residents: Total farm employment as percent of total employment for each state or county (U.S. Department of Commerce, Bureau of Economic Analysis).
- Importance of Agriculture-% personal income: Total farm income divided by total income for each state or county (U.S. Department of Commerce, Bureau of Economics Analysis).
- Total Land Area: Total non-Federal land area (National Erosion Survey, November 1977).
- Land in Farms '78: Total land area in farms (1978 Census of Agriculture); divided by Total Land Area (see above).
- Harvested cropland '78: Land area in harvested cropland (1978 Census of Agriculture); divided by Total Land Area (see above).
- Prime Farmland '67: Area in S.C.S. Class I and II soils (National Inventory of Soil and Water Conservation Needs, 1967, State Summaries); divided by Total Land Area (see above).
- Farms less than 50 ac. ('78): Number of farms less than 50 acres (1978 Census of Agriculture) divided by total number of farms (1978 Census of Agriculture).
- Mkt. value of prod. per ac. ('78): Market value of products sold (1978 Census of Agriculture) divided by land in farms '78 (see above).

II. SUMMARY OF THE INVENTORY

Starting with Maryland's initial effort in 1956 to reduce tax burdens on its farmers, state and local governments have undertaken 25 years of creative experimentation in ways of protecting farmers and farmland. In fact, most of the activity has taken place since 1970, as the war in Vietnam drifted off the national agenda and our attention turned away from racism and urban poverty to women's rights, the energy crisis, and the destruction of environmental resources. Of the programs reviewed here, all were created after 1970, except for Hawaii's Land Use Law (1961), California's Williamson Act (1965), and 20 differential assessment laws.

Even more remarkable are the variety and complexity of the approaches tried. This phenomenon was different from the acceptance of zoning as the primary method of regulating land use which spread across the country in the 1920s like wildfire. Then, a model statute, the Standard Zoning Enabling Act, served as the model for most of the state enabling acts. Here, there were few widely imitated models: each state, each county, each township seemed to want to try its hand at creating a program that would deal with one or more of the factors that were threatening the continued vitality of farming as a way of life.

A brief chronology of significant events will demonstrate the exponential growth of farmland protection programs.

1955-1959

- Maryland (1956) and Florida (1959): differential assessment laws.

1960-1964

- Hawaii: Land Use Law (1961).
- Five more states: differential assessment laws.

1965-1969

- California: Williamson Act (1965).
- Thirteen more states: differential assessment laws.

1970-1974

- Vermont: Environmental Control Act (1970).
- New York: Agricultural Districts Law (1971).

- Southampton, New York: Transferable Development Rights Program (1972).
- California Coastal Commission Created (1972).
- Oregon: Comprehensive State Growth Management Program (1973).
- Suffolk County, New York: Purchase of Development Rights Program (1974).
- The first agricultural zoning ordinances are adopted.
- Eighteen more states: differential assessment laws.

1975-1979

- Tax Reform Act: estate tax benefits for farmers (1976).
- Twin Cities, Minnesota: Comprehensive Growth Management (1976).
- New Jersey (1976), Maryland (1977), Connecticut (1977), Massachusetts (1977): Purchase-of-development-rights programs.
- Ten transferable development rights programs.
- Seventy of the agricultural zoning ordinances analyzed in the GUIDEBOOK and many others.
- Maryland (1977) and Virginia (1977): agricultural districts.
- Seven more states: differential assessment laws.
- Wisconsin (1977): integrated farmland preservation program.
- Twenty-seven states: agricultural use valuation for death tax purposes.
- Six states: deferral of estate tax payments for farm estates.

1980

- Illinois and Minnesota (Twin Cities): agricultural districts.
- Several more agricultural zoning ordinances.
- Two more states: differential assessment laws.
- California and Puerto Rico: estate tax benefits.

The political development exemplified by the adoption of those programs supports the old observation that our federal system provides a set of laboratories where legislators can experiment with novel approaches to problems and shape them so as to meet the varying economic, environmental, and political conditions that exist in the different sections of the country. If one seems to work, others can adapt and adopt it.

The numbers of programs are summarized in Table 2 and the inventory is presented as Table 3. Figures 1 and 2 show where some of the major types of programs are to be found.

Table 2

NUMBERS OF EXISTING PROGRAMS TO PROTECT AGRICULTURAL
LAND CLASSIFIED BY TYPE PROGRAM AND ENACTING JURISDICTION

<u>Type of Program</u>	<u>State</u>	<u>County</u>	<u>Municipality</u>	<u>Total</u>
Differential Assessment for Property Tax				
Preferential Assessment	17			17
Deferred Taxation	28			28
Restrictive Agreements	2			2
Income Tax Credits	2			2
Farm Use Valuation for Death Tax				
Use IRC rules	16			16
Use rules similar to IRC	8			8
Special rules	5			5
Capital Gains Tax on Land Sales	2			2
Agricultural Districts	6 ^a			6
Right to Farm	16			16
Limitation on Condemnation	2			2
Agricultural Zoning	1	104	166	271
Purchase of Development Rights	4	4	2	10
Purchase and Resale or Lease with Restrictions		1	1	2
Transfer of Development Rights		2	10	12
Sub-State Growth Management	2			4
State Development Permit Systems	3			3
Integrated Programs	5 ^b			5

^a Includes program of Twin Cities Metropolitan Area, Minnesota.

^b We lack a clear definition of the numbers of elements and interrelationships necessary to constitute an integrated program. Depending on the definition adopted, one could include many more than the seven state and three sub-state programs listed in this table and discussed in Chapters 9 and 10 of the Guidebook.

Table 3

INVENTORY OF PROGRAMS FOR THE
PROTECTION OF AGRICULTURAL LAND

1. Tax Incentives

a. Real Property Tax

(1) Preferential Assessment

Arizona	
Arkansas	Mississippi
Colorado	Missouri
Delaware	New Mexico
Florida*	North Dakota
Idaho	Oklahoma*
Indiana	South Dakota
Iowa	West Virginia
Louisiana	Wyoming

(2) Deferred Taxation

Alabama*	New Hampshire*
Alaska	New Jersey
Connecticut	New York
Delaware	North Carolina
Hawaii	Ohio
Illinois	Oregon
Kentucky	Pennsylvania
Maine	Rhode Island*
Maryland	South Carolina
Massachusetts	Tennessee*
Minnesota	Texas
Montana	Utah
Nebraska	Vermont
Nevada	Virginia

(3) Restrictive Agreement

California	New Hampshire*
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b. Real Property Tax Credit Against Income Tax

Michigan	Wisconsin*+⊕
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2. Differential Appraisal for State Inheritance and Estate Taxation

a. Define Taxable Estate to be same as the Federal Taxable Estate

Alabama*	Missouri*
Alaska*	Montana*
Arizona*	New Mexico*
Arkansas*	New York*
Colorado*	North Dakota*
Florida*	Utah*
Georgia*	Vermont*
Minnesota*	Virginia*

b. Incorporate Provisions of Section 2032A of Federal Tax Code into State Death Tax Laws

California*	Kentucky*
Delaware*	Mississippi*
Illinois*	Tennessee
Kansas	Washington*

c. Other Preferential Valuation

Connecticut*	Oregon*
Maryland*	Puerto Rico*
Michigan	

3. Capital Gains Tax

Connecticut*	Vermont
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4. Agricultural Districting

California*	Virginia
Illinois	Twin Cities Metropolitan Area, Minn.
Maryland	
New York+ ⊕	

5. Right-to-Farm Legislation

Alabama*	Mississippi*
Delaware	New York*
Florida*	North Carolina
Georgia*	Oklahoma*
Illinois*	Oregon*
Kentucky*	Tennessee*
Maryland*	Virginia*
Minnesota (Twin Cities)*	Washington

6. Limitations on Condemnation by Public Bodies

Wisconsin

Pennsylvania

7. Miscellaneous Incentives

Chester County

8. Agricultural Zoning

North East:

- Maine - Androscoggin County: Auburn City
- New Jersey - Cumberland County: Stow Creek Township
- Hunterdon County: Bethlehem Township
- Cumberland County: Upper Deerfield Township*
- Pennsylvania - Berks County: 2 townships
- Lancaster County: 7 townships⊕
- York County: 9 townships

South:

- Maryland - Baltimore County
- Carroll County
- Frederick County
- Harford County

North Central:

- Indiana - St. Joseph County
- Illinois - Boone County
- DeKalb County
- Kane County
- Kendall County
- McHenry County
- Stephenson County
- Tazewell County
- Michigan - Mason County
- Wisconsin - Barron County, including 10 townships
- Columbia County, including 18 townships
- Dane County, including 18 townships
- Iowa County, including 13 townships
- Jefferson County, including all 16 townships
- Lafayette County, including 2 townships*

Wisconsin - Manitowoc County, including 2 townships
- Rock County, including 10 townships*
- Shawano County, including 3 townships
- Sheboygan County, including 8 townships
- Walworth County, including all 16 townships
- Washington County, including 1 township
- Winnebago County, including 1 township

Minnesota - Benton County
- Blue Earth County
- Carver County
- Clay County
- Dakota County: 13 townships
- Goodhue County
- Hennepin County: Brooklyn Park*⊕
- Rice County
- Scott County
- Washington County
- Wright County

Iowa - Black Hawk County⊕
- Bremer County
- Buchanan County
- Butler County
- Grundy County
- Poweshiek County
- Story County

North Dakota - McHenry County: Velva City
- Steele County: Finley Township

South Dakota - Brookings County
- Codington County
- Minnehaha County
- City of Sioux Falls*⊕

Nebraska - Lancaster County*

Kansas - Anderson County
- Harvey County

Mountain:

Idaho - Ada County
- Blaine County
- Camas County

Wyoming - Carbon County
- Sweetwater County

Colorado - Boulder County
- Weld County⊕

Utah - Utah County

Pacific

Washington - Kittitas County
- Skagit County
- Whatcom County
- Whitman County

Oregon - Baker County*
- Benton County
- Clackamas County*
- Clatsop County
- Columbia County*
- Coos County*
- Crook County
- Curry County*
- Deschutes County
- Douglas County
- Gilliam County
- Hood River County*
- Jackson County*
- Jefferson County*
- Josephine County*
- Lake County*
- Lane County*
- Linn County*
- Malheur County*
- Marion County⊕
- Morrow County*
- Multnomah County
- Polk County
- Sherman County
- Tillamook County*
- Umatilla County*
- Union County*
- Wallowa County
- Wasco County*
- Washington County
- Wheeler County*
- Yamhill County

- California
- Alameda County
 - Madera County
 - Marin County
 - Napa County
 - Sacramento County
 - San Luis Obispo County
 - Santa Barbara County
 - Santa Cruz County
 - Solano County
 - Stanislaus County⊕
 - Tulare County⊕
 - Ventura County
 - Yolo County

9. Purchase of Development Rights

Burlington County, N.J.	New Hampshire
Connecticut	Readington Twp., Hunte
Howard County, Md.	County, N.J.
King County, Wash.	Town of Southampton,
Maryland	Suffolk County, N.Y.
Massachusetts	Suffolk County, N.Y.

10. Purchase and Resale or Lease with Restrictions

Massachusetts - Township Conservation Commissions*
 Alaska (Matanuska-Susitna Borough, Alaska)

11. Exercise of Right to Preempt

Massachusetts*

12. Transfer of Development Rights

Massachusetts - Sunderland Township

Connecticut - Windsor Township

New York - Erie County, Town of Eden
 - Suffolk County, Town of Southampton

New Jersey - Burlington County, Chesterfield Twp.
 - Somerset County, Hillsborough Twp.

Pennsylvania - Bucks County, Buckingham Twp.
 Upper Makefield Twp.
 - Chester County, Birmingham Twp.
 Kennett Twp.*

Maryland - Calvert County
 - Montgomery County

12. Sub-State Growth Management

Metropolitan Dade County, Florida+
Lexington-Fayette Urban County, Kentucky+
Twin Cities Metropolitan Council, Minnesota+⊕
Pinelands Commission (N.J.)*

13. State Development Permit Systems

California Coastal Commission+ Vermont+
Florida*

14. Integrated State Wide Programs of Incentives and Controls

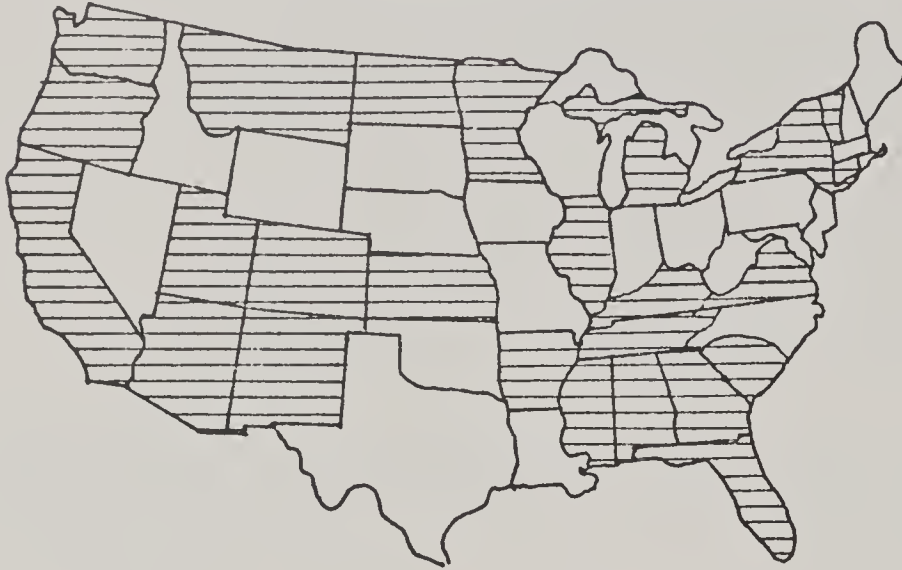
California*+ Oregon +⊕
Hawaii*+ Wisconsin +⊕
Maryland*+⊕

* Not described in Section III
+ Analyzed in GUIDEBOOK
⊕ Subject of CASE STUDY

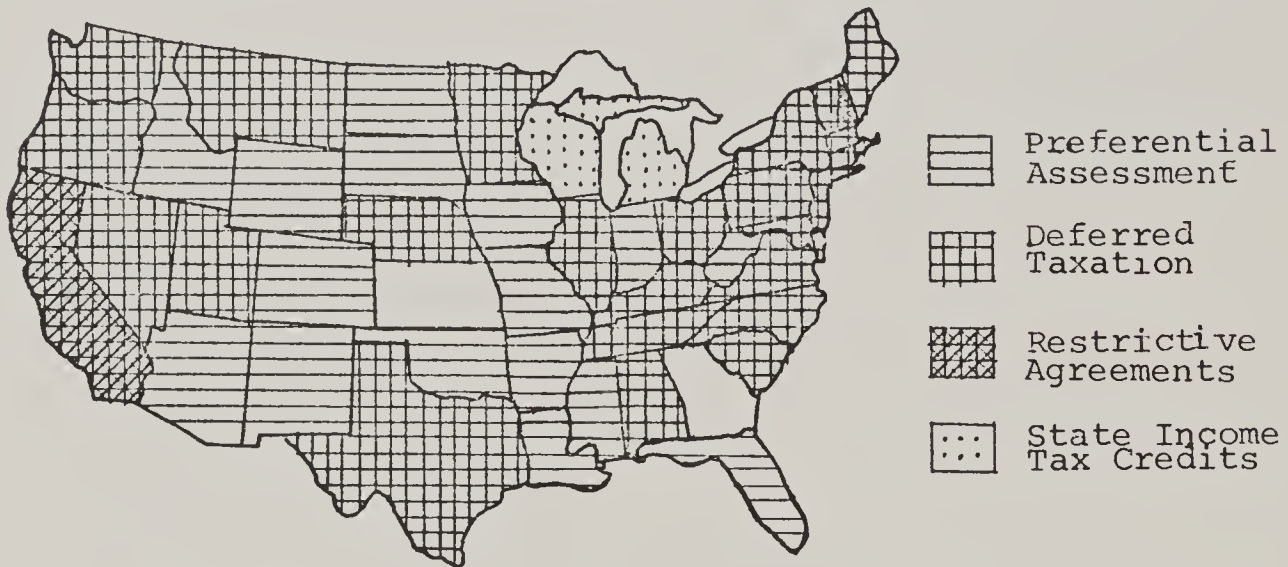
Figure 1

PROGRAMS ENACTED TO OFFSET ADDITIONAL BURDENS
ON FARMERS CAUSED BY URBANIZATION

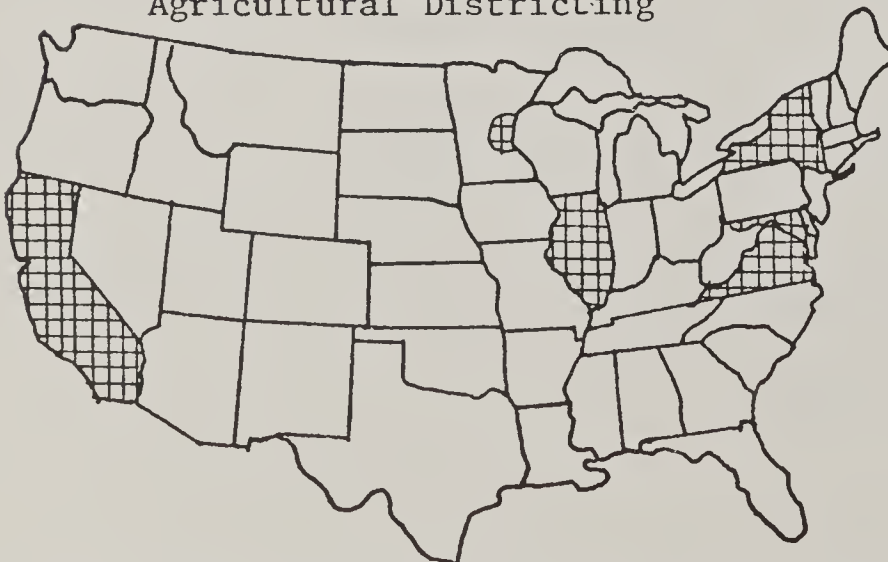
Preferential Valuation for State Inheritance and Estate Taxation



Real Property or State Tax Incentives for Local
Property Tax Purposes



Agricultural Districting



* Alaska also has Preferential Valuation for State Inheritance and Estate Taxation. Hawaii and Alaska have Deferred Taxation.

Figure 2

PROGRAMS ENACTED TO PREVENT CHANGE OF
USE OF AGRICULTURAL LAND

Agricultural Zoning

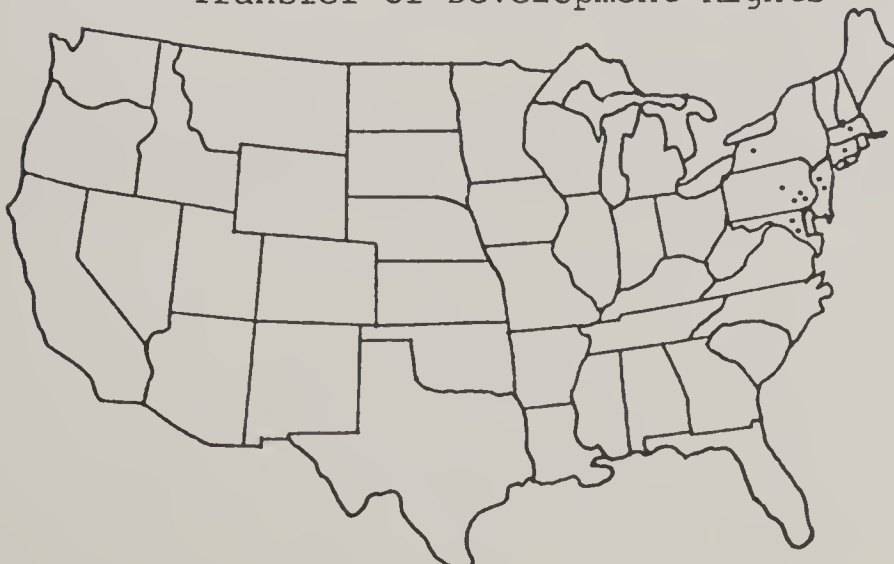


Purchase of Development Rights



- Local Program
- * State Program

Transfer of Development Rights



III. DESCRIPTIONS OF SELECTED PROGRAMS

Program descriptions are arranged alphabetically by state, county, and municipality within the following types:

1. Preferential Assessment for Property Tax
2. Differential Assessment: Deferred Taxation
3. Differential Assessment: Restrictive Agreements
4. Real Property Tax Credit Against Income Tax
5. Differential Appraisal for State Inheritance and Estate Taxation
6. Capital Gains Taxation
7. Agricultural Districting
8. Right-to-Farm Legislation
9. Limitation of Condemnation by Public Bodies
10. Miscellaneous Incentives
11. Non-Exclusive Agricultural Zoning: Large Lot
12. Non-Exclusive Agricultural Zoning: Fixed Area-Based Allocation
13. Non-Exclusive Agricultural Zoning: Sliding Scale Area-Based Allocation
14. Non-Exclusive Agricultural Zoning: Conditional Use
15. Exclusive Agricultural Zoning
16. Purchase of Development Rights
17. Lease or Sale with Restrictions
18. Exercise of Right to Pre-Empt
19. Transfer of Development Rights
20. Sub-State Growth Management
21. State Development Permit Systems
22. Integrated State-Wide Programs of Incentives and Controls

Additional detail on a number of programs may be found in CASE STUDIES ON STATE AND LOCAL PROGRAMS TO PROTECT FARMLAND, which also includes some programs not covered in Section III of this report.

1. PREFERENTIAL ASSESSMENT

PREFERENTIAL ASSESSMENT

ARIZONA

Population '78: 2,354,000
Pop'n change '70-78: 33%
Pop'n per sq. mi. '78: 37
Importance of Agric. ('77)
2.2% employed residents
2.8% personal income

Total land area: 63,593 sq. mi.
Land in farms '74: 39,944,191 ac. (93%)
Harvested cropland '74: 1,096,525 ac. (3%)
Prime farmland '67: 1,303,469 ac. (3%)
Farms less than 50 ac. ('74): 38%
Mkt. value of prod. per ac. ('74): \$28

A. Description of Program

Ariz. Rev. Stat. Ann., Sec. 42-136, 42,227, enacted 1967.

Eligibility: All real property and improvements on such property used for agricultural purposes.

Determination of Assessed Value: Agricultural property is given a maximum assessed value of 16 percent of the property's full cash value. This compares to valuations of 10 percent for owner-occupied residential property; 18 percent for rental property; 52 percent for airports, mines, and railroads property; 44 percent for utility property; and 25 percent for other commercial and industrial property.

B. Experience: No data.

C. Other Programs: None identified

D. For Additional Information: State of Arizona Department of Revenue: Property and Special Taxes, 34 W. Monroe, 7th Floor, Phoenix, Arizona 85003. Telephone: (602)255-5238.

PREFERENTIAL ASSESSMENT

ARKANSAS

Population '78: 2,186,000
Pop'n change '70-78: 14%
Pop'n per sq. mi. '78: 46
Importance of Agric. ('77)
10.6% employed residents
8.4% personal income

Total land area: 47,209 sq. mi.
Land in farms '78: 15,603,356 ac. (52%)
Harvested cropland '78: 7,650,926 ac. (25%)
Prime farmland '67: 7,185,120 ac. (24%)
Farms less than 50 ac. ('78): 25%
Mkt. value of prod. per ac. ('78): \$160

A. Description of Program

Amendment No. 59 to the state constitution, adopted 1980.

Eligibility: Owners of land in active use for agriculture, farming, or timber production may apply to their county assessors for the preferential treatment.

Assessment basis: The constitutional amendment provides for assessing agricultural land at 20 percent of its use value and all other property at 20 percent of its market value.

B. Experience: No data

C. Other programs: None identified

D. For Additional Information: Assessment Coordination Division, Public Service Commission, 305 Union Station Square, Markham and Victory Sts; Little Rock Arkansas 72201. Telephone: (501) 371-1261.

PREFERENTIAL ASSESSMENT

COLORADO

Population '78: 2,670,407
Pop'n change '70-78: 21%
Pop' per sq. mi. '78: 40
Importance of Agric. ('77)
2.3% employed residents
1.9% personal income

Total land area: 66,805 sq. mi.
Land in farms '78: 35,697,134 ac. (84%)
Harvested cropland '78: 5,889,137 ac. (14%)
Prime farmland '67: 2,729,380 ac. (6%)
Farms less than 50 ac. ('78): 26%
Mkt. value of prod. per ac. ('78): \$73

A. Description of Program

Colo. Rev. Stat. Sec. 39-1-103, enacted 1967

Eligibility: To be eligible for farm-use assessment, land must presently be in agricultural use and have been so for the preceding two years. Such uses include raising for profit crops, livestock, poultry, honeybees, furbearing animals, and dairy products. Eligible land may also be in a conservation program, if it has been assessed as agricultural for ten years past.

Basis of Use Value Determination: Agricultural valuation is determined by considering the productivity or earnings of land over a reasonable period, capitalized at an 11.5 percent rate.

B. Participation: No data

C. Other Programs: Non-Exclusive Agricultural Zoning (Boulder and Weld Counties).

D. For Additional Information: Colorado General Assembly, Legislative Council, Room 46, State Capitol, Denver, Colorado 80203. Telephone: (303)839-3521.

PREFERENTIAL ASSESSMENT

IDAHO

Population '78: 877,539	Total land area: 30,393 sq. mi.
Pop'n change '70-78: 23%	Land in farms '78: 14,866,826 ac. (76%)
Pop'n per sq. mi. '78: 29	Harvested cropland '78: 4,893,456 ac. (25%)
Importance of Agric. ('77)	Prime farmland '67: 1,761,196 ac. (9%)
12.1% employed residents	Farms less than 50 ac. ('78): 30%
5.6% personal income	Mkt. value of prod., per ac. ('78): \$111

A. Description of Program

Idaho Code, Sec. 63-202. Enacted 1969.

Eligibility: An unnumbered bill, 45th Idaho Legis., 1st Reg. Sess., amends the code cited above to add a definition of agricultural land. Such land would be eligible for farm use assessment if it: (1) consists of more than five contiguous acres and has been for the last crop year, and continues to be used (a) to produce field crops; (b) for grazing or (c) is in a land retirement or crop-rotation program; or (2) it produces, regardless of acreage, agricultural commodities for sale or home use equal to 15% of the owner's annual gross income.

Basis of Use-Value Determination: This 1969 statute directs the state tax commission to prepare regulations on determination of value for purposes of taxation. The statute directs that "actual and functional value shall be a major consideration when determining market value of commercial and agricultural properties."

B. Experience: In 1980, 12,090,595 acres were so assessed.

C. Other Programs: None identified

D. For Additional Information: Dept. of Revenue and Property Tax, Box 46 Boise, Idaho 83722 Telephone: (208) 334-4640.

PREFERENTIAL ASSESSMENT

INDIANA

Population '78: 5,374,200
Pop'n change '70-78: 3.5%
Pop'n per sq. mi. '78: 152
Importance of Agric. ('77)
5.4% employed residents
2.7% personal income

Total land area: 35,348 sq. mi.
Land in farms '78: 17,042,181 ac. (75%)
Harvested cropland '78: 11,912,686 ac. (53%)
Prime farmland '67: 13,387,019 ac. (59%)
Farms less than 50 ac. ('78): 29%
Mkt. value of prod. per ac. ('78): \$198

A. Description of Program

Ind. Code Ann., Sec. 6-1.1-4-13, enacted 1961

Eligibility: The statute requires that land be assessed as agricultural so long as it is used for agriculture. It is specifically stated that the statute does not apply to land bought for commercial, industrial, or residential uses. All agricultural land automatically qualifies.

Basis of Use-Value Determination: The county assessor must appoint a county land advisory committee to assist in determination of land values. Such a committee must consist of five members, of whom at least two must be agricultural land owners from the county in which the committee is being formed. Values determined by this committee are to be used by the county assessor as guides. No penalty is levied when land is converted out of agricultural use.

B. Experience: All agricultural land automatically qualifies.

C. Other Programs: Non-Exclusive Agricultural Zoning (St. Joseph County).

D. For Additional Information: Director, State Planning Services Agency, 143 N. Market St., Suite 300, Indianapolis, IN 46204. Telephone: (317) 232-1470.

PREFERENTIAL ASSESSMENT

IOWA

Population '78: 2,895,577	Total land area: 55,742 sq. mi.
Pop'n change '70-78: 2.5%	Land in farms '78: 33,576,040 ac. (94%)
Pop'n per sq. mi. '78: 52	Harvested cropland '78: 23,790,068 ac. (67%)
Importance of Agric. ('77)	Prime farmland '67: 18,348,477 ac. (51%)
13.0% employed residents	Farms less than 50 ac. ('78): 17%
8.6% personal income	Mkt. value of prod. per ac. ('78): \$244

A. Description of Program

Iowa Code, Sec. 441.21, enacted 1979

Eligibility: Farmland is defined simply as "any tract or tracts of land, including woodland and wasteland, constituting a farm unit." An owner may apply for an agricultural assessment under this definition.

Determination of Use-Value Assessment: For agricultural assessments made in 1978 and 1979, valuation was made on the basis of productivity and net earning capacity from farm use, capitalized at a rate of seven percent.

B. Experience: No data

C. Other Programs: Non-Exclusive Agricultural Zoning (Bremer, Buchanan, Black Hawk, Butler, Grundy, Poweshiek, and Story counties.)

D. For Additional Information: Iowa Department of Soil Conservation
State Office Building, Des Moines, Iowa 50319. Telephone:
(515) 281-5851.

PREFERENTIAL ASSESSMENT

LOUISIANA

Population '78: 3,966,173
Pop'n change '70-78: 9%
Pop'n per sq. mi. '78: 92
Importance of Agric. ('77)
NA % employed residents
NA % personal income

Total land area: 43,181 sq. mi.
Land in farms '74: 9,133,275 ac. (33%)
Harvested cropland '74: 3,628,199 ac. (13%)
Prime farmland '67: 5,006,004 ac. (19%)
Farms less than 50 ac. ('74): 33%
Mkt. value of prod. per ac. ('74): \$131

A. Description of Program

La. Const. of 1974, Art. VII, Sec. 18: Act 702, 1976 La. Acts.

Eligibility: The state defines bona fide agricultural land as land used for the production for sale, in reasonable commercial quantities, of plants, animals, or their products that are useful to man. It also may be real property under contract with a federal or state agency to restrict its use for farming.

Basis of Use-Value Determination: Each local assessor determines the use value of property in accordance with criteria established by law and to be applied uniformly throughout the state. Bona fide agricultural land is to be assessed at a rate of ten percent of its use value.

B. Experience: No data.

C. Other Programs: None identified

D. For Additional Information: State Planning Office, P.O. Box 44426. Baton Rouge LA 70804. Telephone: (504)342-7410.

PREFERENTIAL ASSESSMENT

MISSISSIPPI

Population '78: 2,403,566
Pop'n change '70-78: 8.4%
Pop'n per sq. mi. '78: 54
Importance of Agric. ('77)
11.0% employed residents
6.6% personal income

Total land area: 44,794 sq. mi.
Land in farms '74: 14,300,498 ac. (50%)
Harvested cropland '74: 4,793,365 ac. (17%)
Prime farmland '67: 7,445,678 ac. (26%)
Farms less than 50 ac. ('74): 22%
Mkt. value of prod. per ac. ('74): \$85

A. Description of Program

1980 Sess. Miss. Legis. Senate Bill 2672

Providing for use-value taxation for land in agriculture, this law was enacted in May 1980. In the summer of 1980 the Mississippi Supreme Court upheld its constitutionality.

This law is scheduled to be implemented in 1983. It has no provision for a roll-back penalty.

B. Experience: No data, not yet implemented.

C. Other Programs: None identified.

D. For Additional Information: Woolfolk Building, Department of Equalization, P.O. Box 960, Jackson, Mississippi 39205.
Telephone: (601)354-6723.

PREFERENTIAL ASSESSMENT

MISSOURI

Population '78: 4,355,249	Total land area: 65,674 sq. mi.
Pop'n change '70-78: -7%	Land in farms '78: 30,769,260 ac. (73%)
Pop'n per sq. mi. '78: 66	Harvested cropland '78: 12,592,542 ac. (30%)
Importance of Agric. ('77)	Prime farmland '67: 7,362,866 ac. (18%)
NA% employed residents	Farms less than 50 ac. ('78): 20%
NA% personal income	Mkt. value of prod. per ac. ('78): \$109

A. Description of Program

Mo. Rev. Stat. Sec. 137.017 to 137.126, enacted 1975.

Eligibility: Land actively devoted to agricultural or horticultural use for at least five years may receive an agricultural use valuation. Agricultural use is defined as "production for sale of plants and animals, including but not limited to : forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle; sheep; swine and horses; bees and apiary products; trees and forest products."

Basis of Use-Value Determination: An assessor may consider soil surveys, parity ratios, and other factors. Application for the preferential assessment must be made by October 1 of each tax year. In 1979, the tax commission recommended that county assessors use eight categories of soils ranging in assessed value from \$30 to \$400 an acre.

B. Experience: No data.

C. Other Programs: None identified

D. For Additional Information: State Tax Commission of Missouri, P.O. Box 146. Jefferson City, Missouri 65102. Telephone: (314) 758-2414.

PREFERENTIAL ASSESSMENT

NEW MEXICO

Population '78: 1,212,202
Pop'n change '70-78: 19%
Pop'n per sq. mi. '78: 15
Importance of Agric. ('77)
4.3% employed residents
3.0% personal income

Total land area: 79,964 sq. mi.
Land in farms '74: 47,046,388 ac. (92%)
Harvested cropland '74: 975,507 ac. (2%)
Prime farmland '67: 828,540 ac. (1.6%)
Farms less than 50 ac. ('74): 24%
Mkt. value of prod. per ac. ('74): \$11

A. Description of Program

New Mexico Stat. Ann. 7-36-20, enacted 1971

Eligibility: Agricultural use is defined as utilization of the land to produce "plants, crops, trees, forest products, orchard crops, livestock, poultry, or fish." Included within the definition is land use meeting the requirements for payment or other compensation in a federally funded soil conservation program.

Basis of Use-Value Determination: Valuation of land devoted primarily to agricultural use must be made on the basis of the land's capacity for agricultural production. The statute directs the State Department of Revenue and Taxation to promulgate regulations for farmland assessment.

B. Experience: No data.

C. Other Programs: None identified

D. For Additional Information: State Department of Revenue and Taxation, Property Tax Division, P.O. 630, Sante Fe, New Mexico 87509. Telephone: (505)827-3221 ext. 520.

DIFFERENTIAL ASSESSMENT: PREFERENTIAL

STATE OF NORTH DAKOTA

Population '78: 651,920	Total land area: 66,573 sq. mi.
Pop'n change '70-'78: 5.5%	Land in farms '78: 42,015,580 Ac. (98.6%)
Pop'n per sq. mi. '78: 9.79	Harvested cropland '78: 19,118,586 (44.9%)
Importance of Agric. ('77)	Prime farmland '67: 51.06%
17% employed residents	Farms less than 50 ac. ('78): 6%
6% personal income	Mkt. value prod. per ac. ('78): \$42.00

A. Description of Program

N.D. CENTURY CODE, Secs. 40-51.2-06, 40-51.2-07, 40-51.2-16, 57-02-27.

The Century Code directs that when agricultural land is annexed by a municipality, the land so annexed will continue to be taxed according to its agricultural value. The agricultural value set for the land must be uniform with agricultural assessments outside of the municipalities limits.

B. Experience:

This program has proven difficult to administer. The main problem surfaces with assessment techniques that differ from city to city and township to township. For example, Farmer "A"'s land is annexed to a city. In making the tax assessment, the City Assessor is required to examine the assessments of agricultural lands outside of the City. These lands are assessed by law at full market value. Thus, Farmer A's land may be assessed at a uniform level with agricultural lands outside the city, and this level may include both agricultural value and development value. Such practice often defeats the purpose of the legislation.

The legislature is currently examining the law with an eye towards statewide preferential assessment versus those lands annexed by municipalities.

C. Other Programs: None

D. For Additional Information:

North Dakota Tax Commissioner
State Capitol
Bismarck, North Dakota 58505
701-224-2770

PREFERENTIAL ASSESSMENT

OKLAHOMA

Population '78: 2,880,073	Total land area: 66,908 sq. mi.
Pop'n change '70-78: 12%	Land in farms '74: 33,082,848 ac. (77%)
Pop'n per sq. mi. '78: 43	Harvested cropland '74: 8,989,832 ac. (21%)
Importance of Agric. ('77)	Prime farmland: 10,191,273 ac. (24%)
NA% employed residents	Farms less than 50 ac.('74): 124
NA% personal income	Mkt. value prod. per ac.('74):\$48

A. Description of Program

Okla. Const., Art. X, Sec. 8; Okla. Stat. Tit. II, Sec. 21-109.
Enacted 1974.

Oklahoma does not have a statute which deals directly with agricultural land preservation, through taxation or any other method. However, there are two related provisions.

A section of the state constitution, Art. X, Sec. 8, directs that no real property shall be assessed at a value in excess of 35 percent of its fair market worth for the highest use to which such property was actually devoted.

An Oklahoma Law, Okla. Stat. Tit. II, Sec. 21-109, states that no annexed land which is used for agricultural purposes may be taxed at a greater rate than the land adjacent to, but outside the limits of the annexing municipality.

B. Experience: No data

C. Other Programs: None identified

D. For Additional Information: Oklahoma Tax Commission, M.C.
Conners Building, Oklahoma City, Oklahoma 73105.
Telephone: (405)521-3115.

DIFFERENTIAL ASSESSMENT: PREFERENTIAL ASSESSMENT

STATE OF SOUTH DAKOTA

Population '78: 689,544	Total land area: 71,537 sq. mi.
Pop'n change '70-'78: 3.61	Land in farms '78: 44,604,368 Ac. (97.4%)
Pop'n per sq. mi. '78: 9.64	Harvested cropland '78: 13,938,568 (30.4%)
Importance of Agric. ('77)	Prime farmland '67: 32.3%
17% employed residents	Farms less than 50 ac. ('78): 10%
18% personal income	Mkt. value prod. per ac. ('78): \$42.00

A. Description of Program

SOUTH DAKOTA CODIFIED LAWS ANN. Ch. 9-21A.1, 10-6-31.3, 10-6-31, 10-6-33.1

Agricultural land annexed to a municipality must not be assessed at a value greater than the average assessed value on unincorporated lands in the same county. Such assessments will continue so long as the land remains in a rural service district and has not been developed for a non-agricultural use.

B. Experience:

This program is administered at the County level. Few problems were reported excepting that which occurs when assessors must determine whether annexed land is in agricultural use. If the land is in agricultural use, landowners receive the preferential assessment; if not, land is assessed at market value. The law does not clearly define agricultural use, and local assessors are left with a great deal of discretion in reaching a determination on any one property. For example, some landowners might claim their parcels are in agricultural use if the parcel is used for grazing by one or two horses. In such a case, the local assessor decides what is and what is not agricultural use.

C. Other Programs: None

D. For Additional Information:

Department of Revenue
Property Tax Division
Capitol Lake Plaza
Pierre, S. D. 57501

PREFERENTIAL ASSESSMENT

WEST VIRGINIA

Population '78: 1,859,637	Total land area: 22,381 sq. mi.
Pop'n change '70-'78: 6.6%	Land in farms '78: 3,883,641 ac. (27%)
Pop'n per sq. mi. '78: 83	Harvested cropland '78: 606,479 ac. (4%)
Importance of Agric. ('77)	Prime farmland '67: 998,253 ac. (7%)
4.3% employed residents	Farms less than 50 ac. ('78): 20%
.2% personal income	Mkt. value prod. per ac. ('78): \$52

A. Description of Program

W. Va. Code Sec. 11-3-1 and 18-9A-11 (Cum. Supp. 1979); Sec. 11-8-5 and 11-8-6 (1974).

Scope of Program: Use value assessment and application of a preferential tax rate for bona-fide farms.

Eligibility: All farms "used, occupied and cultivated by their owners or bona-fide tenants."

Basis of Use Value Assessment: Farmland is to be appraised at its "true and actual" use value, and its assessed or taxable value is to be between 50 percent and 100 percent of that appraised value. Determination of assessed value is to be made by "giving primary, but not exclusive, consideration to the fair and reasonable amount of income which the same might be expected to earn...if rented."

Application of Levy Rate: All tangible personal property used in farming is included in Class I property, and is therefore subject to the lowest tax rate--a maximum of \$0.50 per \$100 of assessed value. All farm realty is Class II property, and is taxed at a maximum rate of \$1.00 per \$100 of assessed value. Owner-occupied residences are also Class II property; all other real and personal property in the state is either Class III or Class IV and therefore subject to a maximum rate of \$1.50 or \$2.00 per \$100 of assessed value.

B. Experience: No data.

C. Other Programs: None.

D. For Additional Information: Mr. David Johnson, Legal Division of the West Virginia Tax Department. Tel.: (304) 348-5330.

DIFFERENTIAL ASSESSMENT: PREFERENTIAL ASSESSMENT

STATE OF WYOMING

Population '78: 423,542	Total land area: 51,019 sq. mi.
Pop'n change '70-'78: 27%	Land in farms '78: 33,723,798 Ac. (103%*)
Pop'n per sq. mi. '78: 8.3	Harvested cropland '78: 1,810,749 Ac. (5.5%)
Importance of Agric. ('77)	Prime farmland '67: 1.8%
7% employed residents	Farms less than 50 ac. ('78): 14%
2% personal income	Mkt. value prod. per ac. ('78): \$15.00

A. Description of Program

WYOMING STATUTES Section 39-82

Preferential tax assessments are available for landowners whose land has been in agricultural use for at least two years and continues to be in such use. This includes the raising, harvesting and selling of crops or the feeding, breeding, management, and sale of livestock or its products, or the raising and sale of poultry, furbearing animals, honeybees, or any other agricultural or horticultural use of animal husbandry. These activities, however, must be conducted for a profit.

B. Experience

This program is not specifically directed toward keeping agricultural land in agricultural use. Rather, it is meant to achieve uniform statewide assessment of agricultural land. The land in this program continues to qualify for preferential assessment so long as it is in agricultural use. Once put to a non-agricultural use, market value assessment is made. However, the definition of agricultural use is extremely broad and few counties have adopted more specific definitions. Thus, administrative rules vary from county to county depending in large measure upon the action of the local assessor.

C. Other Programs: None.

D. Additional Information

Department of Revenue
Ad Valorem Tax Division
State of Wyoming
2200 Carey Avenue
Cheyenne, Wyoming 82002

*According to the Bureau of the Census, there is a reporting error in the category "Land In Farms". Lands were included which: (a) were located in adjoining states; or, (b) were owned by the Federal government; or, (c) both.

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2. DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

ALASKA

Population '78: 403,000
Pop'n change '70-78: 36%
Pop'n per sq. mi. '78: 0.7
Importance of Agric. ('77)
0.2% employed residents
0.1% personal income

Total land area: not available
Land in farms '74: 1,633,070 ac. (na%)
Harvested cropland '74: 16,750 ac. (na%)
Prime farmland '67: na ac. (na%)
Farms less than 50 ac. ('74): 20%
Mkt. value of prod. per ac. ('74): \$4.00

A. Description of Program

Alaska Stat., Sec. 29,53.035, enacted 1967

Eligibility: To qualify, a property owner must be actively farming the land in question and must earn a minimum of one-quarter of his/her annual gross income for such land.

Basis of Use-Value Determination: This deferred taxation plan requires assessment of real estate "on the basis of full and true value for farm use."

Sanctions on Conversion to Non-Eligible Use: The owner must pay a roll-back amount equal to the difference between the taxes paid and the taxes that would have been paid under a higher use assessment. Seven years back taxes, plus eight percent interest, are required.

B. Participation: As of 1976, this program covered 16,150 acres.

C. Other Programs: None identified

D. For Additional Information: Alaska Department of Revenue,
State Capitol Building, Juneau, Alaska 99801
Telephone: (907)465-2323.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

CONNECTICUT

Population '78: 3,098,584	Total land area: 4,851 sq. mi.
Pop'n change '70-'78: 2.2%	Land in farms '78:
Pop'n per sq. mi. '78: 637	Harvested cropland '78:
Importance of Agric. ('77)	Prime farmland '67: 502,821 ac. (16%)
0.9% employed residents	Farms less than 50 ac. ('78):
0.5% personal income	Mkt. value prod. per ac. ('78):

A. Description of Program

Conn. Gen. Stat. Sec. 12-63, 12-107a to 12-107c, 12-494 to 12-504.
Enacted 1963; most recent revision 1979.

Preferential assessment with deferred taxation for qualified farm, forest, or open space lands.

Eligibility: Local assessors determine eligibility of farmland, and are to take into consideration total acreage of land, acreage actually used for farming, gross income from farming, productivity, nature and value of farm equipment used, and the extent to which the subject properties are contiguous. Once a tract of land has been determined to be eligible, it receives automatic annual renewal of its preferential assessment status.

Sanctions on Cessation of Farming: Preferentially-assessed land which is sold within 10 years of initial acquisition or qualification is subject to a conveyance tax. The tax operates on a sliding scale, and ranges from 10% of sale price on land sold within the first year after acquisition or qualification down to zero after the land has been held for 10 years. The tax is applied only to land sales, and does not affect the conversion of land to a non-farm use by the owner.

Basis of Use Value Assessment: The Division of Assessment Advisors within the State Tax Commission uses capitalization of annual net rents or of net value of annual output to make an annual recommendation of ranges of use value assessment rates for farmland by seven classes of land: three classes of cropland (tillable A, B, and C), orchard, permanent pasture, woodland and sprout, and swamp and wasteland.

B. Experience: As of 1980, virtually every commercial farm in Connecticut was enrolled in the program.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

CONNECTICUT - continued

- C. Other Programs: Purchase of Development Rights (Ct.)
Differential Appraisal for Inheritance and
Estate Taxation (Ct.)*
Transfer of Development Rights (Windsor, Ct.)
- D. For Additional Information: Dr. Irving Fellows, Dept. of
Agricultural Economics, University of Connecticut at Storrs.
Tel: (203) 486-4467.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

DELAWARE

Population '78: 582,589	Total land area: 1,909 sq. mi.
Pop'n change '70-'78: 6.3%	Land in farms '78: 671,513 ac. (55%)
Pop'n per sq. mi. '78: 305	Harvested cropland '78: 495,931 ac. (41%)
Importance of Agric. ('77)	Prime farmland '67: 522,456 ac. (43%)
2.2% employed residents	Farms less than 50 ac. ('78): 41%
2.0% personal income	Mkt. value prod. per ac. ('78): \$483

A. Description of Program

Del. Code Ann. Title 9, Ch. 83, Sec. 8328 to 8337, enacted 1968.

Preferential assessment with deferred taxation for lands actively devoted to agricultural, horticultural, or forest use.

Eligibility: Land of at least five acres which is actively devoted to agricultural or horticultural use, and has been so used for at least two years previously. Gross sales of agricultural products plus payments received under a soil conservation program must have averaged at least \$500 per year during the previous two years, or there must be clear evidence that such sales and payments will total at least \$500 annually within a reasonable period of time. Eligibility must be established annually.

Sanctions on Cessation of Farming: Rollback taxes for the two previous years, no interest.

Basis of Use Value Assessment: The State Farmland Evaluation Advisory Committee uses a capitalization-of-farm-income analysis to annually determine the ranges of fair values of farmland by six soil productivity groups and three use categories (cropland, forest land, and other land) for each Delaware county. These figures are to be used as a guide by local assessors.

B. Experience: Eighty to ninety percent of the farms in New Castle County participate in the use value assessment program, but participation in the other two counties is expected to remain virtually non-existent until general reassessment is instituted

C. Other Programs: Right-to-Farm Legislation (Del.)
Differential Appraisal, Inheritance and
Estate Taxation (Del.)

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

DELAWARE - continued

D. For Additional Information: Michael McGrath, Project Coordinator for the Lower New Castle County Area Development Project. Tel: (302) 378-8372.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

HAWAII

Population '78: 897,00	Total land area: 5,868 sq. mi.
Pop'n change '70-78: 15%	Land in farms '74: 2,118,976 ac. (56%)
Pop'n per sq. mi. '78: 153	Harvested cropland: '74: 151,433 ac. (4%)
Importance of Agric. ('77)	Prime farmland '67: NA ac. (NA%)
3.4% employed residents	Farms less than 50 ac. ('74): 83%
3.5% personal income	Mkt. value of prod. per ac. ('74): \$288

A. Description of Program

Hawaii Rev. Stat., Sec. 246-12, Enacted 1961.

Eligibility: Owners of land seeking differential assessment must apply to the Director of Taxation. Approval depends on the suitability of the land for such a use, on the economic feasibility of the use, and on a finding that a dedication to agricultural use would not be in conflict with the state's overall development plan.

Determination of Assessed Value: Land within an agricultural district may be dedicated for up to 20 years and will be taxed at fifty percent of assessed agricultural value.

Sanctions of Conversion to Non-Agricultural Use: Dedication may be for 10 or 20 years. Notice of cancellation of the agreement by owners may be given after 9 or 19 years. Violations of the restrictions on use cancels the dedication and the preferential assessment, retroactive to the time of dedication. All taxes deferred under the dedication, plus a ten percent penalty will be due.

B. Experience: No data

C. Other Programs: Agricultural Zoning (HI.)
Land Banking (HI.)

D. For Additional Information: Department of Agriculture, 1428
S. King Ave., Honolulu, Hawaii 96814. Telephone: (808)548-2211.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

ILLINOIS

Population '78: 11,242,513
Pop'n change '70-78: 1%
Pop'n per sq. mi. '78: 204
Importance of Agric. ('77)
3.2% employed residents
2.3% personal income

Total land area: 55,001 sq. mi.
Land in farms '78: 29,733,904 ac. (84%)
Harvested cropland '78: 22,826,463 ac. (65%)
Prime farmland '67: 22,159,527 ac. (63%)
Farms less than 50 ac. ('78): 12%
Mkt. value of prod. per ac. ('78): \$200

A. Description of Program

Ill. Ann. Stat., Ch. 120, Secs. 482, 501, 621.02, enacted 1970.

Eligibility: To be eligible a farm must have been in agricultural use for two years. A farm for the purposes of this statute is defined as "any parcel of land used solely for the growing and harvesting of crops; for the feeding, breeding, and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof."

Basis of Use-Value Determination: Maximum agricultural use-value is primarily determined by a soil-index system. A 1978 amendment authorizes the state Revenue Department to determine whether agricultural assessments are being made correctly by local assessors.

Sanctions on Conversion to Non-Eligible Use: The deferred penalty for land taken out of agriculture is the difference between taxes paid and those that would have been paid. The liability is for three years' back taxes, plus five percent interest.

B. Experience: No data.

C. Other Programs: Agricultural Districting (IL.), Exclusive Agricultural Zoning (Boone and DeKalb counties), Non-Exclusive Agricultural Zoning: Large Lot (Kendall, McHenry, Stephenson, and Tazewell counties).

D. For Additional Information: State of Illinois, Department of Agriculture, Junior Livestock Building, Illinois State Fairgrounds, Springfield, IL. 62706. Telephone: (217)782-2172.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

KENTUCKY

Population '78: 3,498,273	Total land area: 37,975 sq. mi.
Pop'n change '70-'78: 9%	Land in farms '78: 15,040,957 ac. (62%)
Pop'n per sq. mi. '78: 92	Harvested cropland '78: 4,607,110 ac. (19%)
Importance of Agric. ('77)	Prime farmland '67: 5,915,683 ac. (24%)
10.3% employed residents	Farms less than 50 ac. ('78): 35%
4.0% personal income	Mkt. value prod. per ac. ('78): \$122

A. Description of Program

Kentucky Rev. Stat. Secs. 132.010, 132.450, 132.454, enacted 1970.

Preferential assessment with deferred taxation for qualified agricultural and horticultural land.

Eligibility: Land of at least ten contiguous acres which has been used in the preceding five years for the production of livestock or poultry and their products, tobacco, timber, or other crops. Land qualifying for payments under state or federal agricultural programs is also eligible. Average annual gross income from farming for the preceding two years, including payments made under state or federal programs, must amount to at least \$10,000 for ten acres. The income requirement increases with increasing acreage. Agricultural land which has been zoned for any use other than agricultural at owner request is not eligible, nor is agricultural land which is owned by a corporation not organized primarily for agricultural or horticultural purposes. Application for use value assessment must be made annually.

Sanctions on Cessation of Farming: Two years' rollback taxes; no interest.

B. Experience: All counties in Kentucky except a few mountain counties now utilize this two-value assessment system.

C. Other Programs: Differential Appraisal, Inheritance, and Estate Taxation (Ky.)*
Metropolitan Growth Management (Lexington-Fayette Urban County)

D. For Additional Information: Billy Whittaker, Valuation Division of the Kentucky Department of Revenue. Tel.: (502) 564-3226.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

MAINE

Population '78: 1,091,000	Total land area: 30,795 sq. mi.
Pop'n change '70-'78: + 9%	Land in farms '78: 1,614,180 ac. (8%)
Pop'n per sq. mi. '78: 35	Harvested cropland '78: 488,043 ac. (2%)
Importance of Agric. ('77):	Prime farmland '67: 2,696,032 ac. (14%)
3.6% employed residents	Farms less than 50 ac. ('78): 24%
2.4% personal income	Mkt. value prod. per ac. ('78): \$248

A. Description of Program

Maine Rev. Stat. Ann., Tit. 36, Sec. 1101 to 11118, enacted 1971.

Eligibility: Land of at least 10 contiguous acres of farmland, woodland, and wasteland is eligible if it has produced a gross annual income from agricultural activities of at least \$1,000 for the first 10 acres and \$100 per acre for additional land (with the total not required to exceed \$2,000) in 1 of the 2 or 3 of the 5 calendar years preceding the date of application for assessment. An owner meeting all requirements except the income criteria may apply for a 2-year provisional classification during which time he receives the tax advantages while trying to attain income eligibility. If at the end of 2 years the land is still not fully qualified, the owner must pay roll-back taxes plus interest for those 2 years. All owners must annually file a determination of the gross income derived from agriculturally-assessed lands.

Sanctions on Cessation of Farming: Imposition of the non-preferential tax rate in the year of disqualification plus a recapture penalty which is calculated by multiplying the amount by which the property's fair market value on the date of withdrawal exceeds its assessed agricultural valuation by:

10% for land taxed under this law for 5 years or less;

20% for land so taxed for 6 to 9 years;

30% for land so taxed for 10 or more years.

Basis of Use Value Assessment: The local assessor establishes 100% valuation per acre for good cropland, good orchard land, and good pasture land. The valuation is to be based on current agricultural use of the land and must not reflect the land's potential for development or any value attributable to road or shore frontage. The valuation for each parcel of farmland is then determined by adjusting the 100% valuation by the following ratios:

Differential Assessment: Deferred Taxation

MAINE - continued

	<u>Quality of Land</u>		
	<u>Very Good</u>	<u>Good</u>	<u>Poor</u>
Cropland	1.2	1.0	.8
Orchard land	1.2	1.0	.8
Pasture land	1.2	1.0	.8

Forest land within the farm unit must be valued based on the valuations established by the State Tax Assessor under the Tree Growth Tax Law.

- B. Experience: In 1977, 51 municipalities reported having 87,000 acres of farmland classified under this tax law. The number has increased from 15,000 acres in 1976, but is still small compared to the 11 million acres of land classified under the Tree Growth Tax Law.
- C. Other Programs: Zoning (Auburn, Maine)
- D. For Additional Information: Mr. Daniel D. Harlan, Commissioner of Agriculture. Tel: (207) 289-3871.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

MARYLAND

Population '78: 4,190,477	Total land area: 9,643 sq. mi.
Pop'n change '70-'78: + 6.8%	Land in farms '78: 2,744,408 ac. (44%)
Pop'n per sq. mi. '78: 435	Harvested cropland '78: 1,528,153 ac. (25%)
Importance of Agric. ('77):	Prime farmland '67: 1,940,800 (31%)
1.7% employed residents	Farms less than 50 ac. ('78): 45%
0.7% personal income	Mkt. value prod. per ac. ('78): \$301

A. Description of Program

Md. Ann. Code, Art. 81, Sec. 19b

Enacted 1956.

Eligibility: Lands which are "actively devoted to farm or agricultural use" are eligible. Criteria for eligibility are set out in broad terms by the State Department of Assessments and Taxation, and include such factors as present zoning, productivity, past and present land use, character of the neighborhood, occupation of the owner, acreage, gross sales, and inventory value of farm equipment. Local assessors make decisions as to the eligibility of a particular parcel of land. Landowners need not reapply for the program once their property has been accepted for use value assessment.

Properties which are not eligible include: lands which are zoned industrial, commercial, or multi-family residential if such zoning has been at the instance of any current or previous owner; lands which have been rezoned upon application of the owner to a more intensive use than was permitted on July 1, 1972; or lands which have been subdivided after July 1, 1972 into lots or parcels for the purpose of their sale or conveyance to individuals other than the owner's immediate family.

Sanctions on cessation of farming: a development tax penalty equal to 10 percent of the difference between the land's fair market and assessed use value at the time of conversion. This tax will be due if the land is converted within three years after the last year of preferential assessment.

B. Experience: No data.

C. Other Programs: Differential Appraisal, Inheritance and Estate Taxation (Md.)*
Agricultural Districting/PDR (Md.)
Right to Farm Legislation (Md.)*

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

MARYLAND - continued

D. For Additional Information: Bill Schumaker, Maryland Department of Assessments and Taxation. Tel: (301) 383-6377.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

MASSACHUSETTS

Population '78: 5,773,677	Total land area: 7,775 sq. mi.
Pop'n change '70-'78: + 1.7%	Land in farms '78: 680,513 ac. (14%)
Pop'n per sq. mi. '78: 743	Harvested cropland '78: 214,220 ac. (4%)
Importance of Agric. ('77):	Prime farmland '67: 463,365 ac. (9%)
.6% employed residents	Farms less than 50 ac. ('78): 47%
.3% personal income	Mkt. value prod. per ac. ('78): \$317

A. Description of Program

Mass. Gen Laws Ann., Ch. 61A enacted 1973.

Eligibility: Land of at least 5 acres which is "actively devoted to agricultural or horticultural uses" is eligible if it has been so used for at least 2 years previously and if gross sales of agricultural and horticultural products amount to at least \$500 per year for the first 5 acres and to \$5 per acre for additional farmland or \$0.50 per acre for additional woodland or wetland. Payments made under soil conservation or pollution abatement programs of the federal government or the Commonwealth may be included in the minimum gross sales requirement. Eligibility must be established annually.

Sanctions on cessation of farming: Two types of penalty are levied:

(1) A conveyance tax applicable to the total sales price of the land if it is sold for other use within 10 years from the date of earliest agricultural assessment. (The rate is 10% if sold within the first year of ownership, a rate which decreases by one percentage point for each additional year of ownership to a minimum of 1% if sold within the 10th year.)

(2) A roll-back tax for the current year and 4 previous years; no interest.

In the case of an intended sale and cessation of farming, the city or town is given the right of first refusal for a period of 60 days subsequent to notification of such an intent. In the case of intended conversion not involving sale, the city or town may purchase the land at full and fair market value as determined by impartial appraisal.

Basis of use value assessment: A Farmland Valuation Advisory Committee (composed of the Commissioner of Corporations and Taxation, the Commissioner of Agriculture, the Secretary of Communities and Development, the Dean of the College of Food and

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

MASSACHUSETTS - continued

Natural Resources at the University of Massachusetts, and a governor-appointee who is a member of a local board of assessors) annually publishes a range of values for each of the several classifications of agricultural and horticultural land in each county. SCS land use capability classifications and other evidence are to be used by the Commission.

- B. Experience: No data.
- C. Other Programs: Purchase of Development Rights (Mass.)
Township Conservation Commissions (Mass.)*
- D. For Additional Information: Warren Colby, Division of Agricultural Land Use, Massachusetts Department of Food and Agriculture. Tel: (617) 727-6632.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

STATE OF MINNESOTA

Population '78: 4,008,048	Total land area: 74,186 sq. mi.
Pop'n change '70-'78: 5.3%	Land in farms '78: 28,691,142 (60.4%)
Pop'n per sq. mi. '78: 54.03	Harvested cropland '78: 19,202,277 (40.4%)
Importance of Agric. ('77)	Prime farmland '67: 41%
8% employed residents	Farms less than 50 ac. ('78): 15%
8% personal income	Mkt. value prod. per ac. ('78): \$158.00

A. Description of Program

MINN. STAT., Sec. 273.111

This Statute, commonly called the "Green Acres Law", provides deferred taxation to lands in agricultural use. The parcel must be at least ten acres and must also be the homestead of the owner or farmed with a homestead; have been in possession of the applicant or a relative for at least seven years, or be the homestead of a shareholder of a family farm corporation. Agricultural use is defined as deriving at least one-third of family income from the property in agricultural use, and devotion to production for sale of a considerable list of animals and crops. If the land is taken out of agricultural use, a rollback tax is levied. The amount of the tax is determined by multiplying the market value of the property times the tax rate less taxes paid for the last three years that the parcel was assessed as farmland.

B. Experience:

A legislative study committee recently reported several difficulties with the Green Acres Law. They found that the purpose of the Act was not clear--was it to provide tax benefits to farmland owners or was it to preserve agricultural land? At present, according to the committee, the Act failed to meet either purpose. The committee also found that some counties apply the law while others don't, and that where it is applied benefits often go landowners who sell off small lots. Also, the committee stated that the law was of dubious value to local government since it kept them from getting property tax revenues while it encouraged higher public service costs by subsidizing inefficient patterns of development.

C. Other Programs: None.

D. Additional Information:

Minnesota State Planning Agency
100 Capitol Square Building
St. Paul, Minnesota 55101

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

STATE OF MONTANA

Population '78: 784,447	Total land area: 103,150 sq. mi.
Pop'n change '70-'78: 12.97%	Land in farms '78: 62,254,087 Ac. (94.3%)
Pop'n per sq. mi. '78: 7.6	Harvested cropland '78: 8,809,231 Ac. (13.3%)
Importance of Agric. ('77)	Prime farmland '67: 7.4%
9.5% employed residents	Farms less than 50 ac. ('78): 14%
4.3% personal income	Mkt. value prod. per ac. ('78): \$19.00

A. Description of Program

MONT. REV. CODES ANN. Sec. 84-437.16.

This statute provides for differential assessment of agricultural land. Land is agricultural if it is at least five continuous acres and has been actively devoted to agricultural use during the last growing season and it continues to be in active agricultural use. This means that the land must be used to produce field crops including, but not limited to, grains, feed crops, fruits, vegetables; or, it is used for grazing, or it is in a crop-land retirement program. If the foregoing test cannot be met, lands are eligible if the lands produce for sale or home consumption the equivalent of fifteen percent or more of the owner's annual gross income in the value of agricultural products.

If the lands are taken out of agricultural use, the statute provides for a rollback tax for the four years preceeding the change in land use. The rollback tax is figured on the difference between the full market value of the property times the applicable tax rate less the taxes already paid. Once the rollback tax is determined, the tax becomes a lien upon the land and becomes due and payable at the time of the change in land use.

B. Experience:

Since the 1890's the State's agricultural land has been assessed on its productive value. The Greenbelt Law merely codified the practice. In a recent report to the Montana Legislature, the Montana Legislative Council found that the Law is difficult to administer and that the Law has not achieved the intent of its legislative sponsors. Ambiguous language in the Act has compounded administration. The rollback tax is not being enforced in most counties and current research raises serious questions about the effectiveness of the Act.

C. Other Programs: None.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION CONTINUED

STATE OF MONTANA

D. For Additional Information:

Community Development Division
Department of Community Affairs
Capitol Station
Helena, Montana 59620
406-449-3757

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

NEBRASKA

Population '78: 1,565,390	Total land area: 75,494 sq. mi.
Pop'n change '70-78: 6%	Land in farms '78: 46,309,631 ac. (96%)
Pop'n per sq. mi. '78: 21	Harvested cropland '78: 16,439,920 ac. (34%)
Importance of Agric. ('77)	Prime farmland '67: 12,205,540 ac. (25%)
12.0% employed residents	Farms less than 50 ac. ('78): 14%
7.8% personal income	Mkt. value of prod. per ac. ('78): \$111

A. Description of Program

Nebraska Rev. Stat. Sec. 77-1343 to 77-1348, enacted 1974.

This statute is both a preferential assessment and an agricultural use zoning law.

Eligibility: To be eligible for assessment at agricultural use value, land must first be within an agricultural use zone. Such zones are created by cities and counties pursuant to Nebraska zoning laws. Agricultural use is defined as use of land to earn a profit through "raising, harvesting, and selling crops or by feeding, breeding, management, and sale of, or the produce of, livestock, poultry, furbearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use."

Basis of Use-Value Determination: To obtain an assessment, an owner of agricultural land within a farm use zone must apply to the county assessor by April 1 of the year of the assessment sought.

Sanctions on Conversion to Non-Agricultural Use: There is a roll-back period of five years at an interest rate of six percent.

B. Experience: As of October 1980, only one of the 35 counties in the state which zoned land for agricultural use was using this program.

C. Other Programs: Non-Exclusive Agricultural Zoning: Large Lot (Lancaster County).

D. For Additional Information: Nebraska Department of Revenue, 301 Centennial Mall South, Lincoln, Nebraska 68509. Telephone: (402)471-2971.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

NEVADA

Population '78: 663,484	Total land area: 16,543 sq. mi.
Pop'n change '70-78: 36%	Land in Farms '78: 10,424,809 ac. (98%)
Pop'n per sq. mi. '78: 40	Harvested cropland '78: 596,366 ac. (6%)
Importance of Agric. ('77)	Prime farmland '67: 386,603 ac. (4%)
NA% employed residents	Farms less than 50 ac. ('78): 35%
NA% personal income	Mkt. vlaue of prod. per ac. ('78): \$19

A. Description of Program

Nev. Rev. Stats. Sec. 361 A.010 to 361 A.280, enacted 1975.

Eligibility: Such property must have been for at least three immediately preceding years devoted to agricultural use or to activities which prepare the land for agriculture. The property must also have a higher value for some use other than agriculture. Agricultural use is defined as a gross agricultural income, in the year just past, of at least \$2,500. The use must be a business venture for profit through crops, fruit, flowers, timber other soil products, livestock, poultry, honeybees, furbearing animals, animal products, and dairying

Basis of Use-Value Determination: The assessment level for approved property is thirty-five percent of the agricultural use value. The assessor at the time of valuation must also determine the higher full cash value of the land.

Sanctions on Conversion to Non-Eligible Use: A deferred or roll-back tax will be assessed. It amounts to the sum of seven years of the difference between the taxes actually paid and those that would have been required plus six percent interest. Also a twenty percent penalty of the deferred tax will be imposed for any period in which a thirty days' use change notice was not given.

B. Experience: As of June, 1980, 5,811,665 acres were assessed under this program.

C. Other Programs: None identified.

D. For Additional Information: Department of Taxation, Division of Assessment Standards, Capitol Complex, Carson City, Nevada 89710. Telephone: (702)885-4840.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

NEW JERSEY

Population '78: 7,327,017	Total land area: 7,291 sq. mi.
Pop'n change '70-'78: + 3.3%	Land in farms '78: 1,058,641 ac. (23%)
Pop'n per sq. mi. '78: 1,005	Harvested cropland '78: 618,969 ac. (13%)
Importance of Agric. ('77):	Prime farmland '67: 1,024,870 ac. (22%)
.7% employed residents	Farms less than 50 ac. ('78): 55%
.3% personal income	Mkt. value prod. per ac. ('78): \$340

A. Description of Program

Deferred Taxation enacted 1964. (N.J. Stat. Ann. 54:4-23 et seq.; NJ Const. Art. 8, Sec. 1, Par. 1)

Eligibility: Land of at least five acres which is "actively devoted to agricultural or horticultural use", and has been so used for at least two years previously, and whose gross sales of agricultural products amount to at least \$500 per year for the first five acres and to \$5 per acre for additional farmland. Eligibility must be established annually.

Sanctions on cessation of farming: Rollback taxes for current and two previous years, no interest.

Basis of use value assessment: The State Farmland Evaluation Advisory Committee (composed of the Secretary of Agriculture, the Director of the Division of Taxation, and the Dean of the College of Agriculture and Environmental Sciences of Rutgers, the State University) prepares a report annually which uses a capitalization of farm income per acre analysis to recommend ranges of fair values of farmland by four soil groups (ranging from "very productive farmland" to "unsuitable for cultivation"), by four types of cultivation (cropland harvested, cropland pastured, permanent pasture, and woodland), and by county.

B. Experience: 93.5% of all farm area (1974)

C. Other Programs: Zoning (Bethlehem Twp; Stow Creek Twp)
Purchase Development Rights (Burlington County; Readington Twp)
Transferable Development Rights (Chesterfield Twp; Hillsborough Twp)

D. For Additional Information: John P. Van Zandt, Coordinator, Rural Resource Services, N.J. Department of Agriculture, (609) 392-5511.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

NEW YORK

Population '78: 17,748,245	Total land area: 47,437 sq. mi.
Pop'n change '70-'78: - 2.7%	Land in farms '78: 9,916,837 ac. (33%)
Pop'n per sq. mi. '78: 374	Harvested cropland '78: 4,483,617 ac. (15%)
Importance of Agric. ('77)	Prime farmland '67: 5,156,791 ac. (17%)
1.2% employed residents	Farms less than 50 ac. ('78): 23%
3.4% personal income	Mkt. value prod. per ac. ('78): \$192

A. Description of Program

N.Y. Agric. and Mkts. Law, Art. 25-AA, Sec. 305.1 Enacted 1971.

Scope of Program: Preferential assessment with deferred taxation for qualified agricultural land within an agricultural district.

Eligibility: Land of at least ten acres within an agricultural district which is in agricultural production and whose annual gross sales of agricultural products for the preceding two years amounted to at least \$10,000. If an owner of at least ten acres rents land from another for use in agricultural production, the gross sales value of the agricultural products produced on that rented land may be added to the gross sales value from the applicant's own land for the purpose of determining eligibility. Application for use value assessment must be made annually.

Sanctions on Cessation of Farming: Roll-back taxes for current year and five previous years; no interest. Conversion of only a portion of the land shall render only that portion ineligible.

State Subvention Payments: The state will provide assistance to local jurisdictions for loss of revenues due to this preferential assessment statute in those rare cases when the state initiates an agricultural district. The aid provided will equal one-half of the taxes lost, but will be reduced by one-half the amount of any roll-back taxes collected.

Basis of Use Value Assessment: A new system of use value assessment will become effective on May 1, 1981, pursuant to a recent amendment to the agricultural districting law. Average agricultural values per acre are to be formulated based on a combination of a soil classification index and a farm income capitalization approach. The Department of Agriculture and Markets is responsible for deriving the soil productivity and farm use index, while the State

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

NEW YORK - continued

Board of Equalization and Assessment must derive the income capitalization method. An annual report will be distributed to all local assessors which will most likely list average farm value per acre according to different soil classes within various agricultural regions of the state. The local assessor must then multiply that average per acre value by the number of active agricultural acres in his jurisdiction, and adjust the result by applying the latest state equalization rate or special equalization rate established for the jurisdiction. The resulting amount will be the agricultural value ceiling for such lands, to which the relevant tax rate will be applied.

B. Experience: Participation in the use value assessment program is high only in those jurisdictions which have undergone 100% re-valuation, or approximately 250 municipalities (30% of the state).

C. Other Programs: Differential Appraisal, Inheritance and Estate Taxation (N.Y.)
Preferential Assessment with Restrictive Agreements (N.Y.)
Agricultural Districting (N.Y.)
Purchase of Development Rights (Suffolk Co. N.Y.)
Transfer of Development Rights (Eden, N.Y.)
(Southampton, N.Y.)

D. For Additional Information: Kenneth V. Gardner, Department of Agricultural Economics, Cornell University. Tel: (607) 256-5413.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

NEW YORK

Population '78: 17,748,245	Total land area: 47,437 sq. mi.
Pop'n change '70-'78: - 2.7%	Land in farms '78: 9,916,837 ac. (33%)
Pop'n per sq. mi. '78: 374	Harvested cropland '78: 4,483,617 ac. (15%)
Importance of Agric. ('77)	Prime farmland '67: 5,156,791 ac. (18%)
1.2% employed residents	Farms less than 50 ac. ('78): 23%
3.4% personal income	Mkt. value prod. per ac. ('78): \$192

A. Description of Program

N.Y. Agric. and Mkts. Law, Art. 25-AA, Sec. 306. Enacted 1971.

Scope of Program: Preferential assessment for farmland owners outside of agricultural districts who are willing to enter into an agreement with the local government to restrict their property to agricultural uses.

Eligibility: Land of at least ten acres which is in agricultural production and whose annual gross sales of agricultural products for the preceding two years amounted to at least \$10,000.

Length of Restriction: Eight years. The landowner must annually file his commitment with the county clerk.

Sanctions on Cessation of Farming: Conversion of any part of the restricted land disqualifies the entire parcel from being entitled to an agricultural value assessment. A penalty for such conversion will be imposed, and is "equal to two times the taxes determined in the year following the breach of commitment for all the land previously under commitment." This tax is in addition to the taxes levied for that year.

Basis of Use Value Assessment: Same as that for Differential Assessment: Deferred Taxation, N.Y.

B. Experience: A limited number of landowners throughout the state participate in this program, with the greatest participation occurring in major metropolitan counties in municipalities which have undergone 100 percent revaluation.

C. Other Programs: Differential Assessment: Deferred Taxation (N.Y.)
Differential Appraisal, Inheritance, and
Estate Taxation (N.Y.)
Agricultural Districting (N.Y.)
Purchase of Development Rights (Suffolk Co., N.Y.)
Transfer of Development Rights (Eden, N.Y.)

DIFFERENTIAL ASSESSMENT : DEFERRED TAXATION

NEW YORK - continued

- D. For Additional Information: Kenneth V. Gardner, Department of Agricultural Economics, Cornell University. Tel.: (607) 256-5413.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

NORTH CAROLINA

Population '78: 5,327,288	Total land area: 45,755 sq. mi.
Pop'n change '70-'78: 4.8%	Land in farms '78: 11,360,324 ac. (39%)
Pop'n per sq. mi. '78: 116	Harvested cropland ('78): 4,569,269 ac. (16%)
Importance of Agric. ('77)	Prime farmland '68: 7,118,790 ac. (24%)
7.2% employed residents	Farms less than 50 ac. ('78): 44%
3.9% personal income	Mkt. value prod. per acre ('78): \$268

A. Description of Program

N.C. Gen. Stat. Sec. 105-277.3 to 105-277.7. Enacted 1973.

Preferential assessment with deferred taxation for farm, forest, or horticultural land engaged in commercial production under a sound management program.

Eligibility: Land of at least ten acres whose gross income from the sale of agricultural products averaged \$1,000 per year for the previous three years. The property must be either the owner's place of residence or have been owned by the owners or a close relative for the preceding four years. A 1975 amendment allowed corporate eligibility if the corporation has agriculture as its principal business, all shareholders are actively engaged in agricultural operations (or are related to those actively engaged in such operations), and the corporation or one of its principal shareholders has owned the land for at least the four previous years. Once a property has been determined to be eligible, it receives automatic annual renewal of its preferential assessment status until the county's next general reappraisal.

Sanctions on Cessation of Farming: Preferentially-assessed land whose farm use is changed or which is conveyed to someone other than the owner's spouse, sibling, or child or to an ineligible corporation is subject to a three-year rollback tax plus interest. Interest is added at the rate of 2 percent on the first day of the first month of delinquency plus 0.75 percent on the first day of each succeeding month that the tax remains unpaid.) An owner who changes the use of preferentially assessed land to an ineligible use must notify the local tax supervisor of such a change. Failure to notify will cause a penalty of 10 percent of the total amount of deferred taxes plus interest to be levied against the landowner.

Basis of Use-Value Assessment: County tax supervisors prepare schedules of land values, standards, and rules for the appraisal

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

NORTH CAROLINA - continued

of local property at its present-use value. Methods for determining use values for farmland vary widely throughout the counties of North Carolina, with both market value and income approaches utilized.

- B. Experience: By 1978, more than half the counties in North Carolina had land being taxed on the basis of agricultural use value, although the extent of participation was quite limited. Participation is highest in those counties which have undergone general revaluation since enactment of the legislation.
- C. Other Programs: Right-to-Farm Legislation (N.C.)
- D. For Additional Information: Dr. E.C. Pasoni, Jr. Department of Economics and Business, North Carolina State University at Raleigh. Tel.: (919) 737-2607.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

OHIO

Population '78: 10,645,848
Pop'n change '70-78: -0.6%
Pop'n per sq. mi. '78: 263
Importance of Agric. ('77)
NA% employed residents
NA% personal income

Total land area: 40,459, sq. mi.
Land in farms '78: 16,088,422 ac. (62%)
Harvested cropland '78: 10,289,523 ac. (40%)
Prime farmland '67: 11,102,040 ac. (43%)
Farms less than 50 ac. ('78): 27%
Mkt. value of prod. per ac. ('78): \$179

A. Description of Program

Ohio Const., Art. II, Sec. 36; Ohio Rev. Code Ann., Sec. 5713.30 to 5713.99, enacted 1974.

Eligibility: To be eligible, land must be of at least thirty acres and have been for the three immediately preceding years devoted to commercial production of field crops, tobacco, fruits, vegetables, or a number of other listed crops and animals. Land may be less than thirty acres in size if it has produced for the three years an average annual gross income of \$2,500.

Basis of Use-Value Determination: Land used for agriculture will be taxed solely on the basis of its current use value. There is an on-site reassessment once every six years.

Sanction on Conversion to Non-Eligible Use: If land assessed on the basis of an agricultural use is converted to another use, the taxes saved by the owner will be recouped for the four tax years immediately preceding the year of the use conversion.

B. Experience: As of 1978, 3,346,100 acres qualified for the program.

C. Other Programs: None identified

D. For Additional Information: Department of Tax Equalization, 30 E. Broad St. 21st Fl., Columbus, Ohio 43215.
Telephone: (614)466-5744.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

STATE OF OREGON

Population '78: 2,443,839	Total land area: 45,608 sq. mi.
Pop'n change '70-'78: 16.85%	Land in farms '78: 18,419,254 Ac. (63%)
Pop'n per sq. mi. '78: 53.6	Harvested cropland '78: 3,290,346 Ac. (11.3%)
Importance of Agric. ('77)	Prime farmland '67: 9.4%
6% employed residents	Farms less than 50 ac. ('78): 51%
2% personal income	Mkt. value prod. per ac. ('78): \$70.00

A. Description of Program

ORS Sec 308.345 to 308.406

This preferential assessment program is tied to the State's comprehensive planning and zoning program. The purpose of the program is to assess farmland for its agricultural and not its speculative value. Agricultural use includes the use of land to support accepted farm practices for the purpose of earning a profit through crops, livestock, poultry, dairying, furbearing animals, honeybees, or any other agricultural or horticultural use (Agricultural Use is defined in ORS Sec. 215.203).

If the land is taken out of agricultural use, a roll-back tax is applied. The roll-back tax is the difference between the taxes that would have been paid on the full market value of the land and the taxes that were paid on its agricultural use. The roll-back extends back to a maximum of ten years and includes a six percent interest penalty on the unpaid tax.

Lands which are in an exclusive farm use zone are eligible for preferential taxation if the lands are in agricultural use. Once in the program, lands are exempt from taxation by special districts.

B. Experience

See Case Study Number 16

C. Other Programs: Integrated State Program of Incentives and Controls, Exclusive Agricultural Zones

D. Additional Information

Land Conservation and Development Commission
State of Oregon
Salem, Oregon 97310

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

PENNSYLVANIA

Population '78: 11,749,837
Pop'n change '70-'78: -.2%
Pop'n per sq. mi. '78: 268
Importance of Agric. ('77):
2.1% employed residents
.8% personal income

Total land area: 43,911 sq. mi.
Land in farms '78: 8,748,099 ac. (31%)
Harvested cropland '78: 4,343,506 ac. (15%)
Prime farmland '67: 5,563,069 ac. (20%)
Farms less than 50 ac. ('78): 26%
Mkt. value prod. per ac. ('78): \$251

A. Description of Program

Pennsylvania Farmland and Forest Land Assessment Act of 1974
Purdon's Stat. Ann. Title 72, Sect 5490.1 to 5490.13 (Laws of
1974, Act 319); constitutional amendment 1973 ("Clean and Green
Amendment") to permit preferential assessment of farm and forest
land.

Eligibility: Lands qualifying as agricultural use, agricultural
reserve, or forest reserve are eligible for preferential assessment.
Agricultural use is defined as use of land to produce an agricul-
tural commodity or devotion to and eligibility for a federal soil
conservation program. Land must have been so used for the preceding
three years and either must be a minimum of 10 acres or have an-
ticipated gross annual income of \$2,000. The entire area for which
preferential assessment is requested must not be less than the
entire contiguous area used by the owner for agricultural or forest
reserve purposes. Application is made by the landowner to the county
board of assessment appeals on uniform application forms developed
by the Pa. Department of Agriculture. Once granted, preferential
assessment continues under the initial application until land use
is changed.

Sanctions on Change of Land Use: Rollback taxes for seven years
with interest at 6% is charged on the entire tract of which the
land with changed use was a part, except for allowable split offs.
Split-offs are allowed for less than 2 acres annually up to a cumu-
lative maximum of 10% or 10 acres, whichever is less. Split-offs
may be used only for residential, agricultural or forest reserve
during the time that the land retained continues to receive pre-
ferential assessment. Construction of a residence on the split-
off may be only for the occupance of the person to whom the split-off
is transferred.

Basis of Use Value Assessment: The Pennsylvania Departments of
Agriculture and Environmental Resources using a capitalization of
income approach (capitalization rate of 10%) has derived recommended
use values per acre. For forest lands these are by three soil

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

PENNSYLVANIA - continued

productivity groups (excellent, very good, and fair-poor) and two forest types (northern hardwoods and oak-pine); for pasture land five soil classes are specified; and for tilled land, use values are computed for each county for the four soil groups specified for pasture lands. Per-acre values for tilled land range from \$88 for the "Other" soils class in Greene County to \$474 for soil of Class I in Lancaster County.

B. Participation

In most Pennsylvania counties, farmland is assessed at use value. In those counties where tax equalization has been instituted, there is general participation in Act 319. In some counties, extensive farmland is already enrolled in Act 515. Statewide by 1977, 206 percent of all farm acreage was enrolled in the Act 319 program.

- C. Other Programs: Differential Assessment: Restrictive Agreements
Agricultural Zoning (25 municipalities in Berks,
Lancaster and York Counties)
Transferable Development Rights (4 municipalities
in Bucks and Chester Counties)

- D. For Additional Information: Roger H. Downing, Institute for
Research on Land and Water Resources, Pennsylvania State Univer-
sity, University Park, Pa. 16802. Tel: (814) 863-0291.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

PENNSYLVANIA

Population '78: 11,749,837	Total land area: 43,911 sq. mi.
Pop'n change '70-'78: -.2%	Land in farms '78: 8,748,099 ac. (31%)
Pop'n per sq. mi. '78: 268	Harvested cropland '78: 4,343,506 ac. (15%)
Importance of Agric. ('77)	Prime farmland '67: 5,563,069 ac. (20%)
2.1% employed residents	Farms less than 50 ac. ('78): 26%
.8% personal income	Mkt. value prod. per ac. ('78): \$251

A. Description of Program

PA. Stat. Ann. Tit. 16, Sec. 11941 to 11947 (Purdon). Generally known as Act 515.

County governments may covenant with owners of qualified land to keep their land in the designated open space use for five or ten years, automatically renewed annually. The owner is promised a property assessment reflecting the fair market value of the land as restricted by the covenant.

Qualification: land must be designated as farm, forest, water supply or open space in a plan adopted following a public hearing by the planning commission of the municipality, county, or region in which the land is located. Farmland is defined as comprising at least 20 acres under common ownership used for raising livestock or growing crops.

Sanctions: A five-year rollback tax, plus 5 percent interest, is due if land is converted to a use other than in the covenant.

B. Experience

As of 1977, only five counties had entered this program (Bucks, Chester, Lehigh, Montgomery, and Northampton), but in four of these, between 61 and 81 percent of all farm acreage was enrolled.

C. Other Programs: Differential Assessment: Deferred Taxation
Zoning (25 municipalities in Berks, Lancaster, and York Counties)
Transferable Development Rights (4 municipalities in Bucks and Chester Counties)

D. For Additional Information: Roger H. Downing, Institute for Research on Land and Water Resources, Pennsylvania State University, University Park, Pa. 16802. Tel: (814) 863-0291.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

SOUTH CAROLINA

Population '78: 2,917,629	Total land area: 28,422 sq. mi.
Pop'n change '70-'78: 12.6%	Land in farms '78: 6,321,430 ac. (35%)
Pop'n per sq. mi. '78: 103	Harvested cropland '78: 5,522,003 ac. (14%)
Importance of Agric. ('77)	Prime farmland '67: 5,522,003 ac (30%)
5.0% employed residents	Farms less than 50 ac. ('78): 40%
1.6% personal income	Mkt. value prod. per ac. ('78): \$137

A. Description of Program

S.C. Const., Art. X, Sec. 1; S.C. Ann. Sec. 12-43-220. Enacted 1976.

Scope of Program: Preferential assessment with deferred taxation for agricultural lands.

Eligibility: "Agricultural real property which is actually used for such agricultural purposes." Applications for agricultural classification are to be made at intervals of from one to five years as authorized by the county governing body.

Sanctions on Cessation of Farming: Five-year rollback taxes; no interest.

Basis of Use Value Assessment: Agricultural lands are to be taxed on an assessment equal to 4 percent of its fair market value for such agricultural purposes if the owners or lessees are individuals or partnerships or certain corporations (with less than ten shareholders with no shareholder who is not a person, without a nonresident alien as a shareholder, and with no more than one class of stock). The assessment shall equal 6 percent of its fair market value for agricultural use if the owners or lessees are corporations other than those specified above. These agricultural valuations compare to 4 percent for residential property and to 10½ percent for industrial property.

"Fair market value for such agricultural purposes" is defined as 'the productive earning power based on soil capability as determined by capitalization of typical cash rents or of typical net annual income of similar soil in the region, not including the products thereon'. The capitalization rate must include an interest component, a local property tax differential component, a risk component, and an illiquidity component.

B. Experience: No data.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

SOUTH CAROLINA - continued

- C. Other Programs: Differential Appraisal, Inheritance, and Estate Taxation (S.C.)*
- D. For Additional Information: James Brody, Office of the Tax Commission. Tel.: (803) 758-3121.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

TEXAS

Population '78: 13,013,986
Pop'n change '70-78: 16%
Pop'n per sq. mi. '78: 51
Importance of Agric. ('77)
NA% employed residents
NA% personal income

Total land area: 257,631 sq. mi.
Land in farms '74: 134,185,289 ac. (81%)
Harvested cropland '74: 19,014,179 ac. (11%)
Prime farmland '67: 31,584,033 ac. (19%)
Farms less than 50 ac. ('74): 16%
Mkt. value of prod. per ac. ('74): \$42

A. Description of Program

Tex. Const. Ann., Art. VIII, Sec. 1-d-1, amended 1979.

Eligibility: "Qualified open-space land" means land that is currently devoted principally to agricultural use to the degree of intensity generally accepted in the area and that has been devoted principally to agricultural use for at least five of the preceding seven years, or land that is used principally for ecological laboratories by public and private colleges and universities.

Basis of Use-Value Determination: The value for ad valorem tax purposes of qualified open-space land shall be determined by the tax assessor for the taxing unit on the basis of the category of the land, using accepted income capitalization methods applied to average net income derived from use of the land over the five-year period immediately preceding the valuation.

Sanctions on the Conversion to Non-Eligible Use: If the use of the land that has been appraised changes, an additional tax is imposed equal to the difference between the taxes imposed on the land for each of the five years preceding the year in which the change of use occurs and the tax that would have been imposed had the land been taxed on the basis of fair market value in each of those years, plus interest at an annual rate of seven percent.

B. Experience: No data.

C. Other Programs: None identified

D. For Additional Information: Texas Department of Agriculture, P.O. 12847, Austin, Texas 78711. Telephone: (512)475-3140.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

UTAH

Population '78: 1,307,482	Total land area: 25,944 sq. mi.
Pop'n change '70-78: 23%	Land in farms '78: 10,557,168 ac. (64%)
Pop'n per sq. mi. '78: 50	Harvested cropland '78: 1,177,758 ac. (7%)
Importance of Agric. ('77)	Prime farmland '67: 771,473 ac. (5%)
3.7% employed residents	Farms less than 50 ac. ('78): 39%
1.4% personal income	Mkt. value of prod. per ac. ('78): \$45

A. Description of Program

Utah Code Ann., Sec. 59-5-87 to 59-5-97, enacted 1969.

Eligibility: It offers preferential assessment to land of at least five contiguous acres, actively devoted to agricultural use for at least two years, and producing at least \$1,000 gross income annually. The acreage minimum may be waived for owners of land who earn at least eighty percent of their income from the land in question. The income limit may be similarly waived if the land has been assessed at agricultural use value for two years, and upon proof that the failure to meet the income limit was not the fault of the owner.

Determination of Value Assessment: The Act provides for assessment of agricultural land based solely on its value to produce, regardless of its speculative market value.

Sanctions on the Conversion to Non-Eligible Use: A roll-back provision is included for land taken out of agriculture. The roll-back tax is for a period of five years and does not include an interest provision.

B. Experience: No data.

C. Other Programs: Exclusive Agricultural Zoning (Utah County)

D. For Additional Information: Local Evaluation Department, Land Classification Division, 2870 Connor Street, Salt Lake City, Utah 84109. Telephone: (801)533-5184.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

VERMONT

Population '78: 486,833	Total land area: 8,837 sq. mi.
Pop'n change '70-'78: 10%	Land in farms '78: 1,756,062 (31%)
Pop'n per sq. mi. '78: 55	Harvested cropland '78: 581,583 ac. (10%)
Importance of Agric. ('77):	Prime farmland '67: 635,009 ac. (11%)
5.1% employed residents	Farms less than 50 ac. ('78): 16%
3.5% personal income	Mkt. value prod. per ac. ('78): \$156

A. Description of Program

Vt. Stat. Ann. Tit. 32, Ch. 124, Sec. 3751 to Sec. 3760. Enacted 1977.

Preferential assessment with deferred taxation for qualified farm and forest land; state subvention payments to offset revenue loss of local jurisdiction.

Eligibility: Agricultural land is defined as cropland, pasture, small fruit and vegetable land, orchard land, sugarbushes, and Christmas tree plantations. Eligible agricultural land must meet one of four criteria:

- (1) it must be at least 25 acres, owned by a farmer, and part of the overall farm unit.
- 2) it must be at least 25 contiguous acres and used by a farmer as part of his farming operation under written lease for at least three years.
- (3) it has produced an annual gross income from the sale of agricultural products in at least one of two or three of five preceding years of \$2,000 for the first 25 acres and \$75 for each additional acre, with the total income not required to exceed \$5,000.
- (4) it must be at least 25 contiguous acres and in active use for agricultural production such that it qualifies as "agricultural land."

Once a tract of land has been determined to be eligible, it receives automatic annual renewal of its preferential assessment status.

Sanctions on Cessation of Farming: Land whose use has not changed but which is withdrawn from use value assessment is subject to assessment at fair market value. When land is developed, it is subject to a tax equal to 10% of the fair market value of the

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

VERMONT - continued

developed land. The fair market value utilized is that applicable at the time of withdrawal or ineligibility, not at the time of development.

State Subvention Payments: The State will reimburse local governments for loss of revenues due to this preferential assessment statute. Specific legislative appropriations and land use change taxes provide funds for these state subvention payments, which will be made to the extent possible given availability of funding.

Basis of Use Value Assessment: The Current Use Advisory Board uses a capitalization of net income approach to make an annual recommendation of ranges of use values for five productivity classes of agricultural land (ranging from Tillable I with a potential productivity of more than 20 tons of corn per acre to Non-Productive).

- B. Experience: These new use value assessment regulations took effect in January 1980, so no data on participation are now available.
- C. Other Programs: Land Gains Taxation (Vt.)
Development Permit System (Vt.)
Differential Appraisal, Inheritance and
Estate Taxation (Vt.)*
- D. For Additional Information: Tom Vickery, Chairman, Current Use
Advisory Board. Tel: (802) 241-3500.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

VIRGINIA

Population '78: 5,148,000	Total land area: 36,205 sq. mi.
Pop'n change '70-'78: 11%	Land in farms '78: 9,941,202 ac. (43%)
Pop'n per sq. mi. '78: 142	Harvested cropland '78: 2,709,123 ac. (12%)
Importance of Agric. ('77)	Prime farmland '67: 6,062,601 ac. (26%)
3.7% employed residents	Farms less than 50 ac. ('78): 34%
0.9% personal income	Mkt. value prod. per ac. ('78): \$1,312

A. Description of Program

Va. Code, Art. 1.1, Sec. 58-769.4 to 58-769.15, enacted 1971.

Preferential assessment with deferred taxation for qualified agricultural, horticultural, forest, and open space lands.

Eligibility: Property assessed under an agricultural or horticultural assessment ordinance must be devoted to the bona fide production for sale of plants and animals useful to man or of fruits, vegetables, nursery, and floral products. Eligibility criteria include:

Size: five acre minimum

History of Use: land must have been devoted to a qualified use for the previous five years.

Management: land must be under a soil management and a soil conservation program.

Production: field crop production for commercial purposes must have an average yield per acre for the previous three years that is at least equal to half of the county (city) average for that same time period; livestock or poultry farms must have a minimum of 12 animal unit months per five acres of open land in the previous year.

A local government which has adopted a land use plan must adopt a local ordinance providing for special assessment and taxation before such special assessment and taxation can be permitted in that locality. General reassessment is authorized (but not required) in the year following adoption of the local ordinance. Local ordinances may require the owner of a qualifying tract to revalidate his eligibility for the program annually. Pursuant to a 1980 amendment to the Land Use Assessment Act, any landowner presently receiving use value assessment will be denied future eligibility upon successful rezoning of his land for a more intensive use.

Sanctions on Cessation of Farming: Roll-back taxes plus interest for current year and each of the five preceding years.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

VIRGINIA - continued

The interest rate is the same as that applicable to delinquent taxes.

Basis of Use Value Assessment: The State Land Evaluation Advisory Committee (composed of the Commissioner of Taxation, the Dean of the College of Agriculture and Life Sciences at Virginia Polytechnic Institute and State University, the Commissioner of Agriculture and Consumer Services, the Director of Conservation and Economic Development, and the Director of the Commission of Outdoor Recreation) prepares a report annually which suggests a range of use-values for each jurisdiction having a use-value ordinance. The procedure for agricultural land employs the capitalization of net incomes derived through budgeting of a composite farm for each locality. Ranges of fair values of farmland are then published for each jurisdiction by 8 S.C.S. Land Capability Classes, adjusted by a local soil index factor.

B. Experience: For the 1981 tax year, 54 counties and 12 cities have adopted ordinances for the special assessment of agricultural lands.

C. Other Programs: Agricultural Districting (Va.)
Right-to-Farm Legislation (Va.)*
Differential Appraisal, Inheritance, and
Estate Taxation (Va.)*

D. For Additional Information: Mr. Raymond Dobbins, State Tax Commissioner. Tel.: (804) 786-3968.

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

STATE OF WASHINGTON

Population '78: 3,773,540	Total land area: 47,461 sq. mi.
Pop'n change '70-'78: 10.6%	Land in farms '78: 17,041,371 Ac. (56%)
Pop'n per sq. mi. '78: 79.5	Harvested cropland '78: 5,092,821 Ac. (16.8%)
Importance of Agric. ('77)	Prime farmland '67: 5.32%
7% employed residents	Farms less than 50 ac. ('78): 51%
5% personal income	Mkt. value prod. per ac. ('78): \$124.00

A. Description of Program

WASHINGTON REVENUE CODE. Ch. 84.34

Commonly called the Open Space Taxation Act, this Act was passed in 1970, but was substantially revised in 1973. The purpose of this Act was to keep agricultural (and other open space lands) land in agricultural use by assessing the land at its use value rather than market value. Agricultural lands are defined as contiguously owned parcels of at least twenty acres used primarily for commercial livestock or agricultural commodities production; or, parcels between five and twenty acres that have produced annual gross farm incomes of at least \$100. per acre for at least three of the five years preceeding application; or, parcels less than five acres devoted primarily to farming that have produced at least \$1,000. annual gross farm income for at least three of the five years preceeding application.

Landowners must enroll for at least ten years. At year eight in a ten year enrollment, the landowner may notify the county assessor that the land will be withdrawn from the program at the end of the tenth year. A rollback tax is applied to capture the landowners tax savings over the past seven years in the difference in taxes paid between use value and full market value. In addition, an interest penalty is applied. If landowners withdraw from the program without giving the two year notification or before the ten years have expired, the rollback tax is applied plus a penalty equal to twenty percent of the rollback tax.

This Statute also contains enabling legislation for local governments to acquire by purchase, gift, grant, lease, or other means, save eminent domain, any interest necessary to preserve or protect agricultural land and other designated open space lands. Funding for such purchases may be raised through a county property tax up to a certain maximum percentage of assessed valuation.

B. Experience

According to observers, the program has been ineffective

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION CONTINUED

STATE OF WASHINGTON

Experience:

in preserving agricultural land. Penalties for withdrawal or even early withdrawal have not been sufficient to deter conversion of enrolled lands to a non-agricultural use. The penalties are merely passed on to land buyers as a cost of development. Just as bad, note observers, is the heavy participation of landowners in areas under little to no development pressure. In such cases, landowners receive tax subsidies for lands which would otherwise remain in agricultural use because of the absence of non-agricultural market pressures.

C. Other Programs: Right to Farm

It is worth noting that Washington's State Environmental Policy Act and the Shoreline Management Act could have at least some consequence for agricultural lands. The Environmental Policy Act could be used to require consideration of agricultural land in environmental impact statements filed on various state projects, but no action has yet been taken. Similarly, the Shoreline Management Act is a Statewide program setting planning and regulatory standards for the protection of shorelines along rivers, streams, and the Pacific Ocean. These standards must be met by local governments. Since the shoreline areas contain some agricultural land, the State could require that special protection be afforded them. To date, no action has been taken.

D. Additional Information

Planning and Community Affairs Agency
State of Washington
400 Capitol Center Building
Olympia, Washington 98504

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION

STATE OF WASHINGTON

Population '78: 3,773,540	Total land area: 47,461 sq. mi.
Pop'n change '70-'78: 10.6%	Land in farms '78: 17,041,371 Ac. (56%)
Pop'n per sq. mi. '78: 79.5	Harvested cropland '78: 5,092,821 Ac. (16.8%)
Importance of Agric. ('77)	Prime farmland '67: 5.32%
7% employed residents	Farms less than 50 ac. ('78): 51%
5% personal income	Mkt. value prod. per ac. ('78): \$124.00

A. Description of Program

WASHINGTON REVENUE CODE. Ch. 84.34

Commonly called the Open Space Taxation Act, this Act was passed in 1970, but was substantially revised in 1973. The purpose of this Act was to keep agricultural (and other open space lands) land in agricultural use by assessing the land at its use value rather than market value. Agricultural lands are defined as contiguously owned parcels of at least twenty acres used primarily for commercial livestock or agricultural commodities production; or, parcels between five and twenty acres that have produced annual gross farm incomes of at least \$100. per acre for at least three of the five years preceeding application; or, parcels less than five acres devoted primarily to farming that have produced at least \$1,000. annual gross farm income for at least three of the five years preceeding application.

Landowners must enroll for at least ten years. At year eight in a ten year enrollment, the landowner may notify the county assessor that the land will be withdrawn from the program at the end of the tenth year. A rollback tax is applied to capture the landowners tax savings over the past seven years in the difference in taxes paid between use value and full market value. In addition, an interest penalty is applied. If landowners withdraw from the program without giving the two year notification or before the ten years have expired, the rollback tax is applied plus a penalty equal to twenty percent of the rollback tax.

This Statute also contains enabling legislation for local governments to acquire by purchase, gift, grant, lease, or other means, save eminent domain, any interest necessary to preserve or protect agricultural land and other designated open space lands. Funding for such purchases may be raised through a county property tax up to a certain maximum percentage of assessed valuation.

B. Experience

According to observers, the program has been ineffective

DIFFERENTIAL ASSESSMENT: DEFERRED TAXATION CONTINUED

STATE OF WASHINGTON

Experience:

in preserving agricultural land. Penalties for withdrawal or even early withdrawal have not been sufficient to deter conversion of enrolled lands to a non-agricultural use. The penalties are merely passed on to land buyers as a cost of development. Just as bad, note observers, is the heavy participation of landowners in areas under little to no development pressure. In such cases, landowners receive tax subsidies for lands which would otherwise remain in agricultural use because of the absence of non-agricultural market pressures.

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D. Additional Information

Planning and Community Affairs Agency
State of Washington
400 Capitol Center Building
Olympia, Washington 98504

3. DIFFERENTIAL ASSESSMENT: RESTRICTIVE AGREEMENTS

DIFFERENTIAL ASSESSMENT: RESTRICTIVE AGREEMENTS

CALIFORNIA

Population '78: 22,294,165
Pop'n change '70-78: 12%
Pop'n per sq. mi. '78: 226
Importance of Agric. ('77)
3.0% employed residents
2.8% personal income

Total land area: 83,917 sq. mi.
Land in farms '78: 33,326,947 ac. (62%)
Harvested cropland '78: 8,908,961 ac. (27%)
Prime farmland '67: 7,151,714 ac. (13%)
Farms less than 50 ac. ('78): 60%
Mkt. value of prod. per ac. ('78): \$282.

A. Description of Program

Cal. Agric. Code, Sec. 512.00 to 512.95, enacted 1965.

In 1965, California voters passed the Williamson Act or California Land Conservation Act of 1965. The Act offers preferential assessment if farmers agree to restrict development of their land.

Eligibility: The Act provides for the establishment of agricultural preserves. Once a preserve has been established, a city or county may enter with owners into contracts restricting the use of eligible land. Only agricultural, recreational, and open space land is eligible for contractual restrictions. Agricultural use is defined as use to provide an agricultural commodity for commercial purposes.

Basis of Use Value Assessment: Under use-valuation, an assessor would determine land values for contracted lands on the basis of (1) the capitalized income value derived from normal agricultural earnings; (2) an interest rate factor; and (3) an allowance for property taxes.

Sanctions on Conversions to Non-Eligible Use: Contracts must exclude non-agricultural uses, be binding on succeeding owners, and be for an initial period of ten years. A contract will automatically renew itself, one year at a time, unless notice is given. Cancellation of a contract differs from non-renewal. A cancellation fee will be paid. An assessor will reassess the land (the assessed value being 25 percent of the full cash value), and the landowner is required to pay 50 percent of the newly assessed value of the property as the cancellation fee.

B. Experience: In 1978, 16,317,209 acres of agricultural lands were restricted in Williamson Act contracts. Of this total, 655,196 acres consisted of prime agricultural land located within three miles of cities and towns with populations of 25,000 or more. Another 4,480,297 acres of prime lands were located within three miles of towns or cities with populations between 15,000 to 25,000. The remaining 11,235,716 acres were non-prime agricultural lands.

- C. Other Programs: Coastal Zone Protection (Ca.), Exclusive Agricultural Zoning (Santa Cruz County), Non-Exclusive Agricultural Zoning (Napa, Sacramento, Santa Barbara, Solano, Stanislaus, Tulare, Ventura, and Yolo counties).
- D. For Additional Information: Secretary of State, 1230 Jay Street, Sacramento, California, 95814. Telephone: (916)445-6371.

4. REAL PROPERTY TAX CREDIT AGAINST INCOME TAX

REAL PROPERTY TAX CREDIT AGAINST INCOME TAX

MICHIGAN

Population '78: 9,188,696	Total land area: 52,015 sq. mi.
Pop'n change '70-78: 3.5%	Land in farms '78: 11,444,732 ac. (34%)
Pop'n per sq. mi. '78: 177	Harvested cropland '78: 6,950,502 ac. (21%)
Importance of Agric. ('77)	Prime farmland '67: 9,837,146 ac. (30%)
2.7% employed residents	Farms less than 50 ac. ('78): 30%
1.0% personal income	Mkt. value of prod. per ac. ('78): \$170

A. Description of Program

Mich. Comp. Laws, Sec. 554,701 to 554,719, enacted in 1974.

Commonly known as Michigan's 1974 Farmland and Open Space Preservation Act (Act 116), it includes both circuit breaker income tax credits and restrictive agreements.

Eligibility: The Act requires that a landowner participating in the program execute a legally binding contract with the State of Michigan for a minimum ten year period that the land will be used for agricultural purposes. In order to qualify for participation in the program, the land must meet one of the following requirements: 40 acres or larger devoted to agricultural activities and which produces a per acre income of \$200 or more or a specialty farm of at least 15 acres producing \$2,000 or more per year. Those landowners having legally entered the program by December 31 in the year which they applied are eligible to claim a credit against their state income tax liability. The Act provides for a credit for those property taxes which exceed seven percent of the landowner's household income.

Sanctions on the Conversion to Non-Eligible Use: For those landowners who choose not to renew their contracts at the expiration date, the landowner must repay the last seven years of tax benefits received through the state income tax system, interest free. For early termination of an agreement, approval must be received from the local governing body making initial approval and from the state. If approved for early termination, the landowner is required to repay all the income tax benefits received plus six percent interest compounded annually until paid.

B. Experience: As of June 30, 1978, over 660,000 acres had been voluntarily enrolled in this program.

C. Other Programs: Differential Appraisal for Inheritance and Estate Taxation (MI.), Non-Exclusive Agricultural Zoning (Mason County).

D. For Additional Information: Division of Land Resource Programs, Department of Natural Resources, P.O. Box 30028, Lansing, MI. 48909. Telephone: (517)373-3328.

5. DIFFERENTIAL APPRAISAL FOR STATE INHERITANCE AND ESTATE TAXATION

DIFFERENTIAL APPRAISAL FOR STATE INHERITANCE AND ESTATE TAXATION

KANSAS

Population '78: 2,358,485	Total land area: 80,806 sq. mi.
Pop'n change '70-78: 5%	Land is farms '78: 47,748,473 ac. (92%)
Pop'n per sq. mi. '78: 29	Harvested cropland '78: 19,095,705 ac. (37%)
Importance of Agric. ('77)	Prime farmland '67: 17,787,760 ac. (34%)
9.2% employed residents	Farms less than 50 ac. ('78): 13%
5.4% personal income	Mkt. value of prod. per ac. ('78): \$105

A. Description of Program

1978 Kans. Sess. Laws, Chap. 397 (S.B. No. 976), enacted in 1978.

Eligibility: This act provides that farmland of a decedent transferred to a surviving spouse shall be eligible for estate tax relief. The reduction in value of such property cannot exceed \$500,000. The land must have been used as farmland for five of the last eight years and owned by the decedent or his family, with material participation by the decedent or a member of his family in farming operations.

Basis of Assessed Value: Valuation of a farm under this law is determined in one of two ways. One is by dividing (a) the amount by which average annual gross rental for comparable farmland in the same locality exceeds average annual state and local property taxes for comparable farmland by (b) the "average annual effective interest rate for all new federal land bank loans." The other method includes consideration of such factors as capitalization of income, fair rental value, assessed land values in the state, and comparable sales of nearby farmland.

B. Experience: No data.

C. Other Programs: Non-Exclusive Agricultural Zoning (Anderson and Harvey counties).

D. For Additional Information: The Inheritance Tax Section, Box 12002 Topeka, Kansas 66612. Telephone: (913)296-2488.

DIFFERENTIAL APPRAISAL FOR STATE INHERITANCE AND ESTATE TAXATION

MICHIGAN

Population '78: 9,188,696	Total land area: 52,015 sq. mi.
Pop'n change '70-78: 3.5%	Land in farms '78: 11,444,732 ac. (34%)
Pop'n per sq. mi. '78: 177	Harvested cropland '78: 6,950,502 ac. (21%)
Importance of Agric. ('77)	Prime farmland '67: 9,837,146 ac. (30%)
2.7% employed residents	Farms less than 50 ac. ('78): 30%
1.0% personal income	Mkt. value of prod. per ac. ('78): \$170

A. Description of Program

Mich. Pub. Acts No. 628 (S.B. No. 1447), enacted 1978.

Eligibility:

When farm real property which qualifies under this statute is transferred to a qualified heir or heirs (as defined by the statute), the heir(s) may be "exempt in the amount of 50% of the clear market value from all taxation under this act" (regarding inheritances and estates), if the heir(s) contract with the State of Michigan to keep the land in agricultural use for 10 years. Heirs who so contract "may elect to defer the balance of the taxes...for a period of 10 years without penalty or interest".

These contracts are called "farmland development agreements" and are discussed elsewhere in the inventory under "Real Property Tax Credit against Income Tax: Michigan".

Sanctions on Conversion to Non-Eligible Use: The owner must pay the deferred taxes (if any) and the value of the taxes which would have been due if not for the exemption, plus interest at the rate of 3/4 or 1% per month "from the time the exemption was received until the taxes are paid."

B. Experience: No data.

C. Other Programs: Real Property Tax Credit Against Income Tax (MI.)
Non-Exclusive Agricultural Zoning (Mason County).

D. For Additional Information: Division of Land Resources Programs,
Department of Natural Resources, P.O. Box 30028, Lansing, MI.
48909. Telephone: (517) 373-3328.

DIFFERENTIAL APPRAISAL FOR INHERITANCE AND ESTATE TAXATION

TENNESSEE

Population '78: 4,357,497	Total land area: 39,364 sq. mi.
Pop'n change '70-'78: + 11%	Land in farms '78:
Pop'n per sq. mi. '78: 111	Harvested cropland '78:
Importance of Agric. ('77):	Prime farmland '67: 5,812,522 ac. (23%)
7.0% employed residents	Farms less than 50 ac. ('78):
1.7% personal income	Mkt. value prod. per ac. ('78):

A. Description of Program

Tennessee Code Annotated Sect. 30.1621, as amended 1978.

Farm and other property is eligible for special (agricultural use) valuation for inheritance tax purposes as defined in Section 2032A of the U.S. Internal Revenue Code. The Tennessee statute, however, does not include the federal requirement of material participation in farming operations by the decedent or family members.

Ownership of the farm must be passed on to a qualified heir, who must retain ownership for at least 15 years. An additional estate tax will be charged as specified in the U.S. Internal Revenue Code if ownership of the heir ceases or farm use is terminated within the 15 year period.

B. Experience: No data.

C. Other Programs: Differential Assessment with Deferred Taxation (Tenn.)

D. For Additional Information: Vicki Cockren, Tennessee Department of Revenue. Tel.: (615) 741-2801.

6. CAPITAL GAINS TAXATION

CAPITAL GAINS TAXATION

VERMONT

Population '78: 486,833
Pop'n change '70-'78: 10%
Pop'n per sq. mi. '78: 55
Importance of Agric. ('77):
5.1% employed residents
3.5% personal income

Total land area: 8,837 sq. mi.
Land in farms '78: 1,756,062 (31%)
Harvested cropland '78: 581,583 ac. (10%)
Prime farmland '67: 635,009 ac. (11%)
Farms less than 50 ac. ('78): 16%
Mkt. value prod. per ac. ('78): \$156

A. Description of Program

Vt. Stat. Ann. Tit. 32, Ch. 236, Sec. 10001 To Sec. 10010, enacted 1973.

Imposition of a sliding scale tax on gains from the sale or exchange of land held for less than six years.

Exempt Property: The site of a principal residence up to ten acres (or up to 25 acres where local zoning requires). To escape the tax, buyers of unimproved land must build a principal residence for themselves or for the next purchaser within two years after original purchase. Buildings or other structures are not included in the statute's definition of land.

Tax Rate: The rate decreases with length of time the land is held by the seller, and increases with increasing capital gains. Following schedule of rates shall apply:

<u>Years Land Held by Seller</u>	<u>Gain, as % of Cost Basis</u>		
	<u>0-99%</u>	<u>100%-199%</u>	<u>200+%</u>
Less than 1	30%	45%	60%
1-2	25%	37.5%	50%
2-3	20%	30%	40%
3-4	15%	22.5%	30%
4-5	10%	15%	20%
5-6	5%	7.5%	10%
6+	0	0	0

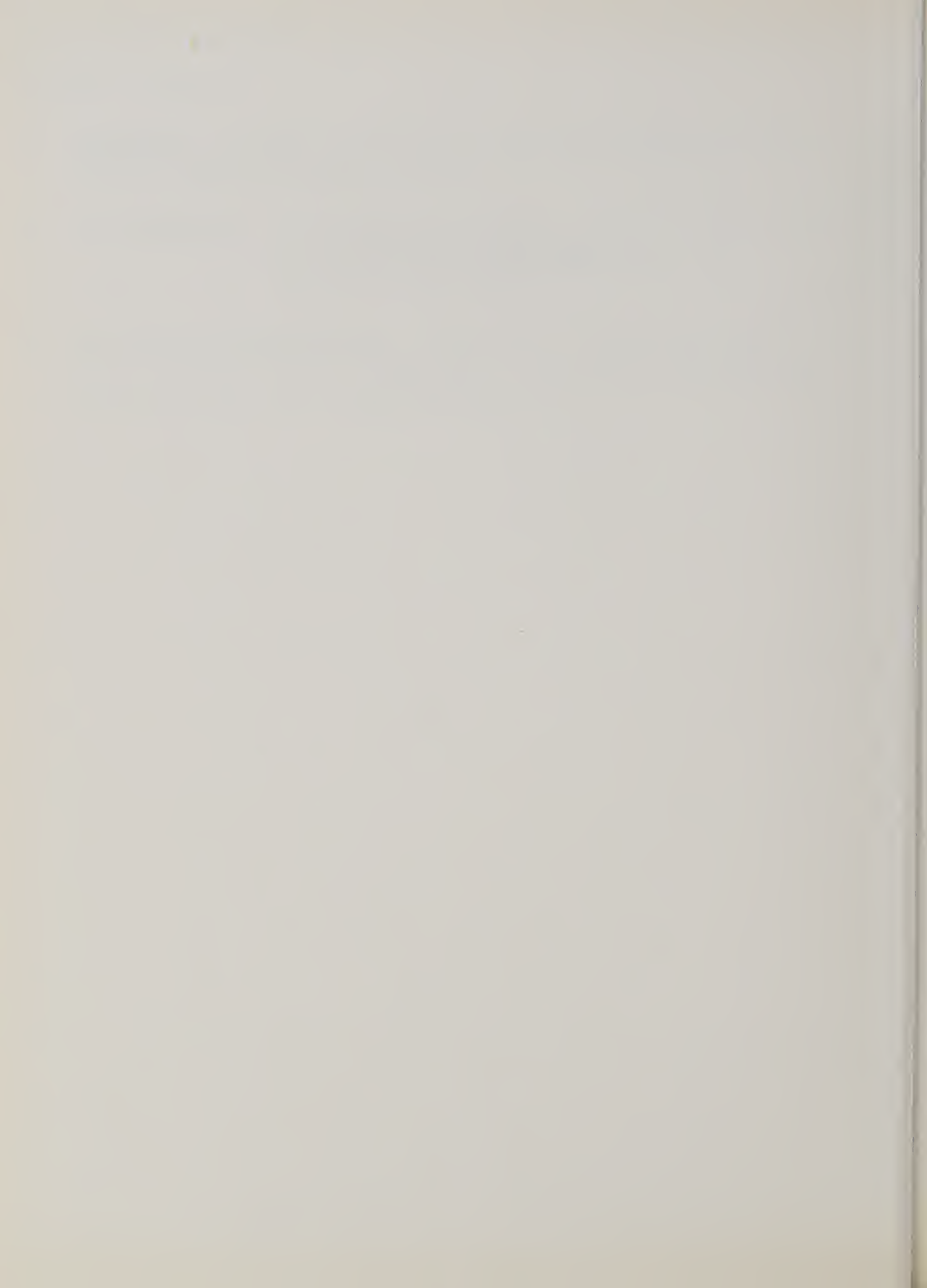
Willful evasion or attempts to evade this tax shall be punishable by a fine of not more than \$10,000 or imprisonment of up to one year.

CAPITAL GAINS TAXATION

VERMONT - continued

- B. Experience: Revenues raised by the tax between 1973 and 1977 totaled \$3.7 million, compared to total state property tax revenues in 1973-74 of \$109.4 million.
- C. Other Programs: Differential Assessment: Deferred Taxation (Vt.)
Development Permit System (Vt.)
Differential Appraisal, Inheritance and
Estate Taxation (Vt.)*
- D. For Additional Information: Professor R. Lisle Baker, Suffolk University Law School, Boston, Mass. Tel: (617) 723-4700;
George Dunsmore, Deputy Commissioner, Department of Agriculture, Montpelier, Vt. Tel: (802) 828-2413.

7. AGRICULTURAL DISTRICTING



AGRICULTURAL DISTRICTING

ILLINOIS

Population '78: 11,242,513
Pop'n change '70-78: 1%
Pop'n per sq. mi. '78: 204
Importance of Agric. ('77)
3.2% employed residents
2.3% personal income

Total land area: 55,001 sq. mi.
Land in farms '78: 29,733,904 ac. (84%)
Harvested cropland '78: 22,826,463 ac. (65%)
Prime farmland '67: 22,159,527 ac. (63%)
Farms less than 50 ac. ('78): 12%
Mkt. value of prod. per ac. ('77): \$200

A. Description of Program

Ill. Public Act 81-1173. Enacted 1980.

Provides for the establishment of agricultural protection areas. It is the policy of the state to conserve, protect, and to encourage the development and improvements of its agricultural lands for the production of food and other agricultural products.

Eligibility: Any owner or owners of land may submit a proposal to the county board for the creation of an agricultural area within such a county. After public hearings and county board approval, the land may be declared a district. An area created under this Act must be at least 500 acres and shall be established for a period of ten years. No land shall be included in an agricultural area without the consent of the owner.

No local government shall exercise any of its powers to enact local laws or ordinances within an agricultural area in a manner which would unreasonably restrict or regulate farming.

Land within an agricultural area will not be subject to special assessments to pay for non-farm-related public works, such as water and sewer lines, street lighting, and sidewalks.

B. Experience: The statute took effect in July 1980.

C. Other Programs: Differential Assessment: Deferred Taxation (IL.) Exclusive Agricultural Zoning (Boone and DeKalb counties), Non-Exclusive Agricultural Zoning: Large Lot (Kendall, McHenry, Stephenson, and Tazewell counties.)

D. For Additional Information: Bureau of Natural Resources, Illinois Department of Agriculture, Springfield, IL 62706. Telephone: (217) 782-6297.

AGRICULTURAL DISTRICTING/PDR

MARYLAND

Population '78: 4,190,477	Total land area: 9,643 sq. mi.
Pop'n change '70-'78: + 6.8%	Land in farms '78: 2,744,408 ac. (44%)
Pop'n per sq. mi. '78: 435	Harvested cropland '78: 1,528,153 ac. (25%)
Importance of Agric. ('77):	Prime farmland '67: 1,940,800 (31%)
1.7% employed residents	Farms less than 50 ac. ('78): 45%
0.7% personal income	Mkt. value prod. per ac. ('78): \$301

A. Description of Program

MD. Agric. Code Ann., Sec. 2-501 et seq. Adopted 1977.

Scope of Program: Agricultural districting with provision for donation or sale of development rights easements to the Maryland Agricultural Land Preservation Foundation.

Creation of Districts: The appointment of an Agricultural Preservation Advisory Board (APAB) is a prerequisite to program eligibility for landowners in each county. Within eligible counties, landowners may voluntarily petition the Foundation and their county governing body to create an agricultural preservation district. County review of the petition is carried out through the local APAB and the planning and zoning office, whose review criteria must include compatibility with existing County plans and policies in addition to:

Productive capability: Land must be used primarily for the production of food and fiber or be of such open space character and productive capability that continued agricultural production is feasible. The majority of the land area should consist of S.C.S. Soil Capability Classes I, II, and III or Woodland Soil Groups 1 and 2.

Size: Districts must be a minimum of 100 contiguous acres. Smaller districts will be considered if they have special capabilities or productivity.

Location: Land within the boundaries of a ten-year water and sewer district may be included in a district only if the land is of outstanding productivity or significant size.

The county governing body must recommend approval or disapproval of the petition to the Foundation, who will make the final decision. An agricultural preservation district may be established only if the land meets the eligibility requirements and petition approval has been recommended by both the county governing body and the Agricultural Land Preservation Foundation. Upon final approval, the district is created by passage of a county ordinance.

AGRICULTURAL DISTRICTING/PDR

MARYLAND - continued

District Benefits: Land within an Agricultural District is protected by county ordinance from potential nuisance suits. Landowners within a district are given the opportunity to donate or make an application to sell development rights easements to the Foundation.

Development Restrictions Within Districts: Land within an Agricultural District may not be subdivided or developed. Landowners must agree to remain within a district for a minimum of five years.

B. Experience: Agricultural districts totalling 22,200 acres have been formed throughout the State, and 16 easements have been purchased on a total of 2,400 acres.

C. Other Programs: Differential Assessment: Deferred Taxation (Md.)
Differential Appraisal, Inheritance, and
Estate Taxation (Md.)*
Right-to-Farm Legislation (Md.)*

D. For Additional Information: Alan R. Musselman, Executive Director, Agricultural Land Preservation Foundation,
(301) 269-2331.

AGRICULTURAL DISTRICTING

METROPOLITAN COUNCIL, MINNEAPOLIS/ST. PAUL METROPOLITAN AREA

Population '78: 1,945,543	Total land area: 2,783 sq. mi.
Pop'n change '70-'78: 6%	Land in farms '78: 943,860 (52%)
Pop'n per sq. mi. '78: 699	Harvested cropland '78: 628,242 (66%)
Importance of Agric. ('77)	Prime farmland '67: 29%
1.0% employed residents	Farms less than 50 ac. ('78): 25%
0.5% personal income	Mkt. value prod. per ac. ('78): \$222.00

A. Description of Program

MINN. STAT. Chapter No. 566

This Act provides for the establishment of agricultural preserves or districts in the Metropolitan area of the Twin Cities. Landowners may enter their lands in preserves so long as their parcel size is at least forty acres and so long as the preserve conforms to local plans and land use regulations. The preserve must be designated for long term agricultural use and must not have an overall residential density greater than one unit per forty acres.

Once enrolled, the landowner must restrict his land to agricultural use for at least eight years. In return, the land is valued at its agricultural use; construction of sanitary sewer systems or public water systems or connections to these systems of land in the preserve is prohibited; local governments are prohibited from enacting any ordinance which would unreasonably restrict farm structures or operations; and, agricultural preserve land within a Township shall not be annexed to a municipality. It is extremely difficult for a landowner to break a preserve contract. To do so, the Governor must declare a public emergency. Local governments, however, may do so at any time if the plans and regulations are changed so that the lands are no longer set for long term agricultural use.

The Act also requires the preparation of an agricultural impact statement on any state or local government action involving more than ten acres of lands in a preserve. Similar statements are required on any grant, loan, subsidy or other fund for construction of facilities servicing non-farm structures in the preserve. The State Environmental Quality Board conducts these impact statements and if they find that an action will have an unreasonable effect on lands in a preserve, they may issue a desist order for a sixty day period. The Board also has the authority to suspend any eminent domain action for up to one year.

B. Experience

The Act was signed into law on April 15, 1980. Little information is available. See Case Study #14.

AGRICULTURAL DISTRICTING CONTINUED

METROPOLITAN COUNCIL, MINNEAPOLIS/ST. PAUL METROPOLITAN AREA

C. Other Programs

Integrated Programs of Incentives and Controls: Metropolitan Growth Management Programs, See Case Study Number 14 for a full discussion.

D. Additional Information

Metropolitan Council
300 Metro Square
Seventh and Robert Streets
St. Paul, Minnesota 55101

AGRICULTURAL DISTRICTING

NEW YORK

Population '78: 17,748,245	Total land area: 47,437 sq. mi.
Pop'n change '70-'78: - 2.7%	Land in farms '78: 9,916,837 ac. (33%)
Pop'n per sq. mi. '78: 374	Harvested cropland '78: 4,483,617 ac. (15%)
Importance of Agric. ('77)	Prime farmland '67: 5,156,791 ac. (18%)
1.2% employed residents	Farms less than 50 ac. ('78): 23%
3.4 personal income	Mkt. value prod. per ac. ('78): \$192

A. Description of Program

N.Y. Agric. and Mkts. Law, Art. 25AA, Sec. 305. Enacted 1971.

Eligibility Requirements for District Formation: Minimum size - 500 acres. Land use should be predominantly agricultural, although other non-conflicting uses are permitted to preserve continuity.

Procedures for District Formation: Any owner of at least 500 acres of land may submit an application to the county legislative body for the creation of an agricultural district. Upon receipt of the first such application, the county governing body shall appoint an Agricultural Districting Advisory Committee, consisting of four active local farmers, four local agri-businessmen, and one member of the county legislative body. The governing body must publicize the application, consider proposals for district modification, refer the application for review to the local planning commission and advisory committee, and hold a public hearing. The following factors are to be considered in review of the application and at the public hearing: the viability of farming within and adjacent to the proposed district, the presence of viable farmlands within or adjacent to the proposed district which are not in active farming, the nature and extent of land uses other than farming within and adjacent to the proposed district, and county development patterns and needs.

Upon receipt of the recommendations of the planning commission and advisory committee and after the public hearing, the county legislative body shall either reject, modify, or adopt the proposal as a plan. This action must be taken within 180 days of receipt of the landowner's original application for district formation. If the proposal is approved, the plan must be submitted to the Commissioner of Agriculture and Markets, who has 60 days to certify whether the proposal or a modification of the proposal is eligible for districting.

AGRICULTURAL DISTRICTING

NEW YORK - continued

B. Experience: As of June 1980, 324 districts comprising approximately 6.1 million acres in 49 counties had been established.

C. Other Programs: Differential Assessment: Deferred Taxation (N.Y)
Preferential Assessment with Restrictive
Agreements (N.Y.)
Differential Appraisal, Inheritance and Estate
Taxation (N.Y.)
Purchase of Development Rights (Suffolk
County, N.Y.)
Transfer of Development Rights (Eden, N.Y.)
(Southampton, N.Y.)

D. For Additional Information: Mr. Henry Stebbins, Department
of Agriculture and Markets. (518) 457-7076.

AGRICULTURAL DISTRICTING

VIRGINIA

Population: '78: 5,148,000	Total land area: 36,205 sq. mi.
Pop'n change '70-'78: 11%	Land in farms '78: 9,941,202 ac. (43%)
Pop'n per sq. mi. '78: 142	Harvested cropland '78: 2,709,123 ac. (12%)
Importance of Agric. ('77)	Prime farmland '67: 6,062,601 ac. (26%)
3.7% employed residents	Farms less than 50 ac. ('78): 34%
0.9% personal income	Mkt. value prod. per ac. ('78): \$1,312

A. Description of Program

Va. Code Title 15.1, Chapter 36, Sec. 15.1-1506 to 15.1-1513, enacted 1977.

Eligibility Requirements for District Formation: Five hundred acre core with one closed exterior perimeter line. Non-contiguous land may be included so long as its nearest boundary is within one mile of the boundary of the contiguous core. No landowner may own more than 3,500 acres to be included within all of the districts in the State. "Agriculturally significant land" must be included within a district, and is defined by an advisory committee based on such factors as soil, climate, topography, markets, farm improvements, agricultural economics and technology, and other relevant factors.

Procedures for District Formation: Any owner or owners of land may submit an application to the local governing body for the creation of an agricultural, forestal, or agricultural and forestal district. No landowner may be included in a district without his written approval or signature on the application. Upon receipt of the first such application, the governing body shall appoint an Agricultural and Forestal Districts Advisory Committee, consisting of eight local landowners (four of whom are active farmers) and one member of the governing body. The local planning commission must publicize the application, consider all proposals for district modification, hold a public hearing, and submit its recommendations to the governing body within 90 days of receipt of the original application. The advisory committee is to advise the planning commission on all these matters, and both shall consider the following factors in their analysis and at the public hearing: the significance of agriculture and forestry within and adjacent to the proposed district, the presence of significant agricultural or forest lands within the district which are not in production, the nature and extent of land uses other than farming and forestry within and adjacent to the proposed district, and local land development needs and patterns. Upon

AGRICULTURAL DISTRICTING

VIRGINIA - continued

receipt of the recommendations of the planning commission and advisory committee, the local governing body must hold a public hearing and then reject or adopt as an ordinance the proposed or modified district within 180 days of the original application.

District Benefits: Land used for agricultural and forest production within a district shall, if it meets the minimum requirements of the state preferential assessment law, automatically qualify for use value assessment whether or not a local land use plan or ordinance has been passed pursuant to that law. The local government is forbidden from enacting measures that would unduly restrict or regulate farm structures or farm and forestry practices within districts except for public health or safety purposes. Limitations are placed on the right to exercise the power of eminent domain, expenditures by any public agency for the purposes of providing services for non-farm uses are subject to public scrutiny, and special taxes for sewer, water, electricity, and nonfarm drainage cannot be levied on agricultural land within a district.

Development Restrictions: None

District Review: The local governing body is to review districts every four to eight years, at which time it may decide to terminate, modify, or continue the district. Additions to a district may be made at any time by separate application, as may withdrawals subject to approval by the local governing body. If withdrawal is accompanied by a change in use and the land had been receiving preferential assessment, the property is subject to rollback taxes plus interest as specified in the use value assessment law.

B. Experience: As of May 14, 1980, 24 districts comprising 83,224 acres in ten counties had been established throughout the Commonwealth.

C. Other Programs: Differential Assessment: Deferred Taxation (Va.)
Right to Farm Legislation (Va.)*
Differential Appraisal, Inheritance and
Estate Taxation (Va.)*
Zoning (Fauquier County, Va.)

D. For Additional Information: T. Graham Copeland, Jr., Director,
Agricultural Opportunities Development, Va. Dept. of Agricul-

AGRICULTURAL DISTRICTING

VIRGINIA - continued

ture and Consumer Services. Tel.: (804) 786-3539.

Ms. Velma Smith, Piedmont Environmental Council, Warrenton,
Va. Tel.: (703) 347-2334.

8. RIGHT-TO-FARM LEGISLATION

RIGHT-TO-FARM LEGISLATION

DELAWARE

Population '78: 582,589	Total land area: 1,909 sq. mi.
Pop'n change '70-'78: 6.3%	Land in farms '78: 671,513 ac. (55%)
Pop'n per sq. mi. '78: 305	Harvested cropland '78: 495,931 ac. (41%)
Importance of Agric. ('77)	Prime farmland '67: 522,456 ac. (43%)
2.2% employed residents	Farms less than 50 ac. ('78): 41%
2.0% personal income	Mkt. value prod. per acre ('78): \$483

A. Description of Program

Del. Code Title 3, Ch. 14, Sec. 1401, enacted 1980.

"No agricultural or forestal operation within this state which has been in operation for a period of more than one year shall be considered a nuisance, either public or private, as the result of a changed condition in or about the locality where such agricultural or forestal operation is located. The provisions of the section shall not apply when the nuisance is determined to exist as the result of the negligent or improper operation of any agricultural or forestal operation or when such operation is being operated in violation of state or Federal law or any local or county ordinance."

B. Experience: None

C. Other Programs: Differential Assessment: Deferred Taxation (Del.) Differential Appraisal, Inheritance and Estate Taxation (Del.)

D. For Additional Information: Mark Kooker, Department of Agriculture, State of Delaware, Dover, Delaware 19901. Tel: (302) 736-4811.

RIGHT-TO-FARM LEGISLATION

NORTH CAROLINA

Population '78: 5,327,288	Total land area: 45,755 sq. mi.
Pop'n change '70-'78: 4.8%	Land in farms ('78): 11,360,324 ac. (39%)
Pop'n per sq. mi. '78: 116	Harvested cropland ('78): 4,569,269 ac. (16%)
Importance of Agric. ('77)	Prime farmland '68: 7,118,790 ac. (24%)
7.2% employed residents	Farms less than 50 ac. ('78): 44%
3.9% personal income	Mkt. value prod. per acre ('78): \$268

A. Description of Program

N.C. Gen. Stat. Sec. 106-700 to 106-701. Enacted 1979.

Restrictions on nuisance liability of agricultural operations. The purpose of this act is to reduce "loss to the State of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance." No agricultural operation shall become a nuisance by any changed conditions in or about its locality provided it has been in operation for more than one year prior to the changed conditions. All local ordinances in effect which would make agricultural operations a nuisance are declared to be null and void, and no such ordinances may be passed in the future. This does not, however, affect the right of parties to recover damages for injuries due to the farming-induced pollution or other change in the condition of streams. Furthermore, it does not apply to nuisances which may arise because of the negligent or improper operation of a farm.

B. Experience: No data.

C. Other Programs: Differential Assessment: Deferred Taxation (N.C.)

D. For Additional Information: Tom Ellis, Division of Resources Planning and Development, Department of Agriculture, Tel.: (919) 733-6248.

RIGHT TO FARM

STATE OF WASHINGTON

Population '78: 3,773,540	Total land area: 47,461 sq. mi.
Pop'n change '70-'78: 10.6%	Land in farms '78: 17,041,371 Ac. (56%)
Pop'n per sq. mi. '78: 79.5	Harvested cropland '78: 5,092,821 Ac. (16.8%)
Importance of Agric. ('77)	Prime farmland '67: 5.32
7% employed residents	Farms less than 50 ac. ('78): 51%
5% personal income	Mkt. value prod. per ac. ('78): \$124.00

A. Description of Program

WASHINGTON REVENUE CODE, Sections 7.48.300, 7.48.305,
and 7.48.310 (Supp. 1980)

This Act is intended to protect farmers from nuisance suits stemming from the character of farm operations. So long as the relevant farm was established before surrounding non-agricultural uses and so long as the farmer is engaged in good agricultural practice, the agricultural activities conducted thereon are presumed to be reasonable and do not constitute a nuisance. The farm operations must also be in conformance with all relevant federal, state, and local standards governing farm operations.

B. Experience

Officials reported no instances of where the Act was used to protect farmers from nuisance suits of neighbors or from legal actions taken by others.

C. Other Programs: Restrictive Agreement

D. Additional Information

Planning and Community Affairs Agency
State of Washington
400 Capitol Center Building
Olympia, Washington 98504

9. LIMITATION OF CONDEMNATION BY PUBLIC BODIES

LIMITATION OF CONDEMNATION BY PUBLIC BODIES

PENNSYLVANIA

Population '78: 11,749,837	Total land area: 43,911 sq. mi.
Pop'n change '70-'78: - 0.2%	Land in farms '78: 8,748,099 ac. (31%)
Pop'n per sq. mi. '78: 268	Harvested cropland '78: 4,343,506 ac. (15%)
Importance of Agric. ('77)	Prime farmland '67: 5,563,069 ac. (20%)
2.1% employed residents	Farms less than 50 ac. ('78): 26%
0.8% personal income	Mkt. value prod. per ac. ('78): \$251

A. Description of Program

Agricultural Lands Condemnation Approval Board 71 Pa. Stat. Ann. Sect. 106 1980 Supp.

The Agricultural Lands Condemnation Approval Board was created as an independent administrative board made up of six members: The Director of the Office of Policy and Planning or his designee, the Secretary of Agriculture or his designee, the Secretary of Environmental Resources or his designee, the Secretary of Transportation or his designee, and two active farmers appointed by the Governor with the advice and consent of a majority of the Senate for a term of four years.

The board has jurisdiction over condemnation for highway purposes (but not including widening, reconstructing, or eliminating curves of existing highways) and disposal of solid and liquid waste (but not including underground pipes used to transport waste).

Before condemning any agricultural lands, as classified by the Agricultural Soil Conservation Service of the U.S. Department of Agriculture which are being used for productive agricultural purposes (but not including the growing of timber), the Commonwealth of Pennsylvania and any of its political subdivisions, agencies, or authorities must request the Agricultural Lands Condemnation Board to determine that there is no reasonable prudent alternative to utilizing such lands for the project.

If a feasible and prudent alternative is shown, the proposed condemnation of agricultural land cannot be effected. If the board determines that there is no feasible and prudent alternative, or fails to act within 60 days, the requesting body may proceed to condemn.

B. Experience: The board had had an initial meeting by April 1981, and was expected to be meeting regularly in the future.

LIMITATION OF CONDEMNATION BY PUBLIC BODIES

PENNSYLVANIA - continued

- C. Other Programs: Differential Assessment: Deferred Taxation
Differential Assessment: Restrictive Agreements
Agricultural Zoning (25 municipalities in Berks,
Lancaster, and York Counties)
Transferable Development Rights (4 municipalities
in Bucks and Chester Counties).
- D. For Additional Information: Daniel Cook, Director, Bureau of
Rural Affairs, Pennsylvania Department of Agriculture,
Harrisburg, Pa.

AGRICULTURAL IMPACT STATEMENTS

STATE OF WISCONSIN

Population '78: 4,675,541	Total land area: 51,776 sq. mi.
Pop'n change '70-'78: 5.8%	Land in farms '78: 18,121,627 Ac. (54.7%)
Pop'n per sq. mi. '78: 90.3	Harvested cropland '78: 9,972,263 Ac. (30.1%)
Importance of Agric. ('77)	Prime farmland '67: 32.6%
7% employed residents	Farms less than 50 ac. ('78): 16%
5% personal income	Mkt. value prod. per ac. ('78): \$192.00

A. Description of Program

WISCONSIN STATUTES Section 32.05

This section requires that the Department of Agriculture, Trade and Consumer Protection (DATCP) prepare an agricultural impact statement for projects when the acquisition of farmland is subject to condemnation. This includes any project involving more than five acres of farmland. The process is intended to aid the condemning agency in making decisions. It discusses the economic impacts on individual farm operations, identifies the acres lost or impacted, and conveys points of landowner concern. The conclusions and recommendations attached to the report are to be considered by the condemning agency to lessen impacts on farmers and their operations.

B. Experience

There is little working experience to draw from. The program is mainly a consciousness raising process rather than one with real authority to stop projects or to change their structure. The legislation does not provide veto authority over the project or elements of it. Instead, the agricultural impact statement is intended to increase the sensitivity of local and state agencies to farms and farmland.

C. Other Programs: Farmland Preservation Act.

D. Additional Information:

Department of Agriculture, Trade and Consumer Protection
Administration Division
801 Badger Road
P.O. Box 8911
Madison, Wisconsin 53708
608-266-7102

10. MISCELLANEOUS INCENTIVES

AGRICULTURAL PRESERVATION COUNCIL

CHESTER COUNTY, PENNSYLVANIA in Philadelphia SMSA

Population '78: 301,900	Total land area: 760 sq. mi.
Pop'n change '70-'78: + 4.8%	Land in farms '78: 224,957 ac. (46%)
Pop'n per sq. mi. '78: 397	Harvested cropland '78: 137,148 ac. (28%)
Importance of Agric. ('77):	Prime farmland '67: 224,317 ac. (46%)
6.1% employed residents	Farms less than 50 ac. ('78): 43%
3.5% personal income	Mkt value prod. per ac. ('78): \$783

A. Description of Program

Chester County is setting up a nine-member Agricultural Preservation Council in order to "take an active role in promoting agriculture and rural development much like the role it has played in promoting business and industry through the Chester County Development Councils." It is hoped to appoint members with a variety of interests, e.g., farmers, agribusinessmen, lawyers, realtors. The responsibilities of the Council would include: educating and informing the public about the importance of the agricultural industry, encouraging investment in Chester County agricultural activities, and serving as a catalyst for professional and technical education, promoting additional trusts for purposes of preserving agricultural land through easement acquisition, and facilitating applications for federal and state grants and loans.

B. Experience: Members of the Council are in the process of being appointed (December 1979).

C. Other Programs: Differential Assessment: Deferred Taxation (Pa.)

D. For Additional Information: Stephen L. Kehs, Chester County Planning Commission (215) 431-6285.

11. NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

ALAMEDA COUNTY, CALIFORNIA In San Francisco-Oakland SMSA

Population '78: 1,102,571	Total land area: 725 sq. mi.
Pop'n change '70-78: 3%	Land in farms '78: 261,333 ac. (56%)
Pop'n per sq. mi. '78: 1,520	Harvested cropland '78: 32,194 ac. (7%)
Importance of Agric. ('77)	Prime farmland '67: 34,350 ac. (7%)
0.6% employed residents	Farms less than 50 ac. ('78): 50%
0.3% personal income	Mkt. value prod. per ac. ('78): \$172

A. Description of Program:

Alameda County Zoning Ordinance, 1972

Agricultural (A) District:

Permitted uses include farming and its customary accessory uses. It also permits parks, playgrounds, and other open space uses.

There is a minimum lot size of 100 acres.

One single family dwelling is permitted per parcel.

Special use permits are required for commercial dumping, oil and gas drilling, and other activities.

Rezoning must be obtained through the County Supervisors, and is based on the current use of the land and its surrounding parcels.

B. Experience: no data

C. Other Programs: State level: differential assessment: restrictive agreements (Williamson Act of 1965).

D. For Additional Information: Contact: Alameda County Planning Department, Oakland, California 94612 Telephone: (415)881-6401.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

MADERA COUNTY, CALIFORNIA Non-SMSA County

Population '78: 53,459	Total land area: 1,290 sq. mi.
Pop'n change '70-78: 29%	Land in farms '78: 724,553 ac. (88%)
Pop'n per sq. mi. '78: 41	Harvested cropland '78: 266,656 ac. (32%)
Importance of Agric. ('77)	Prime farmland '67: 192,702 ac. (23%)
25.2% employed residents	Farms less than 50 ac ('78): 42%
33.6% personal income	Mkt. value prod. per ac. ('78): \$287

A. Description of Program:

Madera County Zoning Ordinance, enacted 1969, revised 1975.

Exclusive Agricultural Districts:

The ordinance provides for the creation of six agricultural zones to be used exclusively for agriculture.

Zone	Minimum Parcel Size
A-5	5 acres
A-20	20 acres
A-40	40 acres
A-80	80 acres
A-160	160 acres
A-320	320 acres

The minimum parcel sizes vary according to the distance from cities; the farther out, the larger the minimum.

There is a two (2) housing unit maximum per parcel. In addition, the second unit must be approved by the County Supervisors.

The permitted uses include agriculture and its related activities.

The ordinance provides for conditional use permits. These must meet the approval of the County Supervisors.

Rezoning can be obtained by applying to the County Supervisors. It is based on the current use of the land and its relationship to the surrounding area.

B. Experience: no data

C. Other Programs: Differential Assessment: Deferred Taxation (Ca.)

D. For Additional Information: Planning Director, Madera County, 135 W. Yosemite Ave., Madera, California 93637. Telephone: (209) 674-4641.

NON-EXCLUSIVE AGRICULTURAL ZONING:

MARIN COUNTY, CALIFORNIA In San Francisco-Oakland SMSA

Population '78: 223,641	Total land area: 369 sq. mi.
Pop'n change '70-78: 9%	Land in farms '78: 159,347 ac. (68%)
Pop'n per sq. mi. '78: 607	Harvested cropland '78: 4,848 ac. (2%)
Importance of Agric. ('77)	Prime farmland '67: 9,562 ac. (4%)
0.8% employed residents	Farms less than 50 ac. ('78): 27%
0.9% personal income	Mkt. value prod. per ac. ('78): \$191

A. Description of Program:

Marin County Zoning Ordinance

Agricultural--Open-Space Districts (A-60)

Permitted uses include all agricultural and agricultural type activities.

One single-family dwelling unit is permitted per 60-acre or larger parcel.

Conditional use permits may be issued for such uses as buildings used for the sale of agricultural products; facilities for processing agricultural products; oil and gas wells; and mining.

Zoning is in accordance with a county-wide plan. Rezoning would involve a change in the plan. Consequently, it is difficult to obtain.

B. Experience: No data

C. Other Programs: State level: Differential assessment with restrictive agreements (Williamson Act of 1965); California State Coastal Act.

D. For Additional Information: Contact: Marin County Planning Department, Room 308, Civic Center, San Rafael, California 94903. Telephone: (415) 499-6269.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

NAPA COUNTY, CALIFORNIA In Vallejo-Fairfield-Napa SMSA

Population '78: 93,342	Total land area: 670 sq. mi.
Pop'n change '70-78: 18%	Land in farms '78: 216,815 ac. (51%)
Pop'n per sq. mi. '76: 139	Harvested cropland '78: 35,340 ac. (8%)
Importance of Agric. ('77)	Prime farmland '67: 14,447 ac. (3%)
6.6% employed residents	Farms less than 50 ac. ('78): 60%
3.7% personal income	Mkt. value prod. per ac. ('78): \$195

A. Description of Program:

Napa County Ordinance, No. 610, October 1979

1. Agricultural Preserve District (AP): restricted to agricultural uses and one single-family dwelling per legal lot. Minimum lot size for this district is 40 acres. Permits may be granted to use land for farm labor housing, facilities for processing agricultural products, and feed-lots.

2. Agricultural Preserve--Extensive (AP-E), where minimum lot size is 100 acres.

3. Agricultural Preserve--Intensive (AP-1), with a 40-acre minimum.

4. Agricultural Watershed District (AW), with a 40-acre minimum, where the predominate agricultural use is grazing and the land is hilly and serves a watershed function.

Owners of land in an agricultural preserve may sell their land while retaining their homesites if (1) they sell the farmland to an adjacent owner so that no new parcels are created (2) and the adjacent owner signs an agreement with the County that, as a result of the purchase, he would not create any new home sites.

B. Experience: The entire Napa Valley Floor about 32,000 acres, has been zoned Agricultural Preserve. Approximately 300,000 acres have been zoned Agricultural Watershed. The combined acreage in these two zoning classifications accounted for about 97 percent of the County's total non-federally owned land.

C. Other Programs: Differential Assessment. Restrictive Agreements (CA.)

D. For Additional Information: County of Napa Conservation, Development and Planning Department, 1121 First Street, Napa, California, 94558. Telephone: (707)253-4416.

NON-EXCLUSVIE AGRICULTURAL ZONING: LARGE LOT

SACRAMENTO, CALIFORNIA In Sacramento SMSA

Population '78: 735,994	Total land area: 975 sq. mi.
Pop'n change '70-78: 16.5%	Land in farms '78: 433,653 ac. (69%)
Pop'n per sq. mi. '78: 755	Harvested cropland '78: 176,258 ac. (28%)
Importance of Agric. ('77)	Prime farmland '67: 43,868 ac (7%)
NA % employed residents	Farms less than 50 ac. ('78): 57%
NA % personal income	Mkt. value prod. per ac. ('78): \$309

A. Description of Program:

Agricultural Districts:

Irrigated (agricultural) land is, "land with an operative water supply system capable of delivering at least 2.5 acre-feet/per acre/per season."

The following minimum parcel size standards are established for agricultural lands: at least 40 acres on SCS class I and II soils, 80 acres on other irrigated soils, and 160 acres on non-prime non-irrigated soils.

Any division of parcels into units smaller than the established standards allowed requires the petitioner to seek an amendment to the General Plan from the Board of Supervisors. Such divisions are not normally approved for land with Class I and II soils, which comprise about 70% of total land.

City of Sacramento has agreed not to expand by annexation onto good farmland north of its present boundaries.

B. Experience: no data.

C. Other Programs: Differential Assessment: Restrictive Agreements (Ca.)

D. For Additional Information: Planning and Community Development Department, County of Sacramento, 827 7th Street, Room 120 Sacramento, CA., 95814. Telephone: (916)440-7783.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

SANTA BARBARA COUNTY, CALIFORNIA In Santa Barbara SMSA

Population '78: 291,970	Total land area: 1,560 sq. mi.
Pop'n change '70-78: 10%	Land in farms '78: 697,705 ac. (97%)
Pop'n per sq. mi. '78: 187	Harvested cropland '78: 92,826 ac. (9%)
Importance of Agric. ('77)	Prime farmland '67: 100,361 ac. (10%)
4.5% employed residents	Farms less than 50 ac. ('78): 60%
5.7% personal income	Mkt. value prod. per ac. ('78): \$160

A. Description of Program

Santa Barbara County Zoning Ordinance, No. 611 and No. 453

1. (AC) General Agriculture District:

Permitted uses include farming and all commercial activities related to agriculture. There are minimum parcel restrictions and one housing unit per parcel is permitted.

Zone	Minimum Parcel Area
5AG	5 acres
10AG	10 acres
20AG	20 acres
40AG	40 acres
100AG	100 acres

The minimum parcel sizes vary according to the type of agriculture use (i.e., grazing in the 100-acre zone, field crops in the 40-acre areas).

2. (AL) Limited Agriculture District:

These districts are generally located closer to urban areas. Agriculture is permitted, but there are limitations on the activities dealing with farm animals. Small animals and poultry raising are permitted on a non-commercial basis in reasonable numbers. There is a prohibition against the raising of hogs. The parcel size requirements and the housing restrictions for AG Districts also apply here.

3. (A-1-X) Exclusive Agriculture District:

This district is devoted to highly intensive agricultural operations, such as the raising of flowers, nursery crops, and avocados. Feed-lots, poultry farming, hog-raising, and dairying are not permitted. Parcel size and housing limitations are the same as for the previous two districts.

4. (A) Agriculture District:

The purpose of this district is to provide a buffer zone between residential and more intensive agricultural districts. Permitted uses include those in the A-1-X districts; the restrictions in that district also apply.

- B. Experience: In 1980 about seventy percent of all privately owned rural land was under Williamson Act contracts, and all of that land was zoned in one of three zoning districts: (AG) General Agriculture, (AL) Limited Agriculture, or (A-1-X) Exclusive Agriculture.
- C. Other Programs: Differential Assessment: Restrictive Agreements (Ca.) Coastal Zone Protection (Ca.)
- D. For Additional Information: Santa Barbara County Planning Department, 123 East Anapamu St., Santa Barbara, Ca. 93101 Telephone: (805)963-7135 ext. 7461.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

SOLANO COUNTY, CALIFORNIA

In Vallejo-Fairfield-Napa SMSA

Population '78: 207,743	Total land area: 796 sq. mi
Pop'n change '70-78: 22%	Land in Farms '78: 356,965 ac. (70%)
Pop'n per sq. mi. '78: 261	Harvested cropland '78: 147,676 ac. (29%)
Importance of Agric. ('77)	Prime farmland '67: 135,822 ac. (27%)
4.2% employed residents	Farms less than 50 ac. ('78): 47%
4.1% personal income	Mkt. value prod. per ac. ('78): \$257

A. Description of Program

Solano County Zoning Regulations, Sec. 28-10.

Exclusive Agricultural (A) Districts:

The ordinance provides for the creation of four agricultural zones, to be used exclusively for agriculture.

Zone	Minimum Parcel Area
A-20	20 acres
A-40	40 acres
A-80	80 acres
A-160	160 acres

One housing unit is permitted per parcel, and the minimum lot sizes varying generally according to the type of agricultural use (i.e., the 40-acre minimum is for intensive agriculture while the 160-acre minimum is for grazing land).

Agricultural uses consistent under these classifications include farming, agriculturally related uses such as farm labor quarters, processing facilities and service industries which require rural locations to support agricultural activities and which are found to be harmonious with surrounding agricultural uses.

Use permits may be issued authorizing use of part of the land in such zones for recreational, educational, religious or necessary public service purposes, to the extent that they are necessary to serve the community, where alternate sites are not available.

Changes of zone to another classification are to be made only where it has been clearly demonstrated that such agricultural land is needed for urban expansion and there is no other land available, and that utilities, road access and public facilities are readily available so that orderly development may occur.

- B. Experience: Approximately 83 percent of the county's non-federally owned land is located in one of the above-mentioned agricultural districts.
- C. Other Programs: Differential Assessment. Restrictive Agreements, (Ca).
- D. For Additional Information: Solano County Planning Department, Courthouse, Fairfield, Ca. 94533. Telephone: (707)429-6561.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

STANISLAUS COUNTY, CALIFORNIA In Modesto SMSA

Population '78: 246,093	Total land area: 1,490 sq. mi.
Pop'n change '70-78: 27%	Land in farms '78: 813,155 ac. (85%)
Pop'n per sq. mi. '78: 165	Harvested cropland '78: 296,990 ac. (31%)
Importance of Agric. ('77)	Prime farmland '67: 190,935 ac. (20%)
12.9% employed resident	Farms less than 50 ac. ('78): 65%
14.3% personal income	Mkt. value prod. per ac. ('78): \$516

A. Description of Program:

Stanislaus County Zoning Ordinance

1. Exclusive Agricultural District (A-2)

Limited to agriculture and related buildings and structures and to single-family dwellings.

On parcels smaller than 15 acres only one single-family dwelling is permitted. If larger than 15 acres, one additional home may be built.

Divisions of a single parcel into 5 or more lots are prohibited within this district. Divisions of parcels into two to four lots may not occur more frequently than once every five years.

Minimum area requirements vary according to specific uses, available water, and soil types. County zoning maps designate minimum areas as either 3, 5, 10, 20, 40, 80, 160, or 640 acres.

Rezoning out of agricultural use occur normally only where the comprehensive plan had designated a different use, such as within Urban Transition areas, which are next to towns, cities, or service districts. However, the town, city, or service district must agree to annex the land in question.

B. Experience: A-2 zones cover approximately 90 percent of the county. A study of rezonings for 1977-79 indicated consistency with the comprehensive plan's policies for managing growth.

C. Other Programs: Differential Assessment: Restrictive Agreements (Ca.)

D. For Additional Information: Stanislaus County Department of Planning and Community Development, 11 H St., Modesto, California, 93534. Telephone: (209)526-6330.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

TULARE COUNTY, CALIFORNIA Non-SMSA County

Population '78: 225,159	Total land area: 1,883 sq. mi.
Pop'n change '70-78: 20%	Land in farms '78: 1,326,502 ac. (43%)
Pop'n per sq. mi. '78: 119	Harvested cropland '78: 623,822 ac. (20%)
Importance of Agric. ('77)	Prime farmland '67: 504,285 ac. (16%)
19.8% employed residents	Farms less than 50 ac. ('78): 57%
22.7% personal income	Mkt. value prcd. per ac. ('78): \$489

A. Description of Program:

Tulare County Zoning Ordinance

Agricultural Districts:

The ordinance establishes five exclusive agricultural districts: (1) AE Exclusive Agricultural which is designed primarily for dairy operations and other sensitive agricultural uses; (2) AE 10 District which functions as a holding zone within Urban Area Boundaries that set ultimate growth limits for the population centers, with a 10 acre minimum lot size; (3) AE 20 District which is used primarily for tree crop areas and has a 20 acre minimum lot size; (4) AE 40 District with a 40 acre minimum lot size which is used in irrigated field crop areas; and (5) AE 80 District with an 80 acre minimum lot size applied to non-irrigated dry farm areas.

All five districts permit two or more farm-related dwellings, depending upon the size of the farm.

All five districts specify a series of permitted uses (farm related) as well as a number of special permit uses.

Land proposed for rezoning out of agricultural use is evaluated by means of a "Parcel Evaluations Checklist," which assesses the land's suitability for agriculture (i.e., its soils, size, current use, surrounding land uses, etc.).

The County and cities have reached agreements on urban growth boundaries as guides to the location of new urban-type development.

B. Experience: A study of rezoning decisions, December 1975 to December 1979, indicates that the above-mentioned Parcel Evaluation Checklist was used in all instances and that in virtually all cases rezoning was granted only where the Checklist review found the land to be relatively unsuited for agriculture.

C. Other Programs: Differential Assessment: Restrictive Agreements (Ca.)

D. For Additional Information: Tulare County Zoning Department, Visalia, California 93277 Telephone: (209)733-6271.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

VENTURA COUNTY, CALIFORNIA In Ventura SMSA

Population '78: 484,511	Total land area: 961 sq. mi.
Pop'n change '70-78: 29%	Land in farms '78: 346,638 ac. (56%)
Pop'n per sq. mi. '78: 504	Harvested cropland '78: 112,040 ac. (18%)
Importance of Agric. ('77)	Prime farmland '67: 146,260 ac. (24%)
8.0% employed residents	Farms less than 50 ac. ('78): 65%
8.6% personal income	Mkt. value prod. per ac. ('78): \$986

A. Description of Program

Ventura County Zoning Ordinance, Sec. 8120-0

1. Agricultural-Exclusive AE Zone:

The purpose of the A-E Agricultural Zone is to provide areas for agricultural activities, and the exclusion of those activities, which can have detrimental effects upon the use of such areas for agricultural purposes.

The permitted uses shall be farming in all of its branches, and any practices performed by a farmer in conjunction with such farming operation.

To be eligible, a parcel must have a 40 acre minimum. One housing unit is permitted per parcel.

Once a property is zoned A-E, any other entitlement requests such as zone changes, subdivisions, or conditional use permits must be consistent with specified agricultural guidelines to receive a favorable action.

2. A-E-P Sub-Zone:

A sub-zone of the A-E Zone shall be designated as the A-E-P sub-zone.

Only prime agricultural land shall be eligible for consideration for classification as an A-E-P sub-zone.

The minimum acreage for an A-E-P sub-zone shall be 10 net acres.

The provisions and restrictions of the parent A-E zone shall apply to the A-E-P sub-zone.

B. Experience: No data

C. Other Programs: Differential Assessment: Restrictive Agreements (Ca.) Coastal Zone Protection (Ca.)

D. For Additional Information: Ventura County Planning Division, 800 South Victoria Avenue, Ventura, Ca. 93009. Telephone: (805)654-4000.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

YOLO COUNTY, CALIFORNIA In Sacramento SMSA

Population '78: 107,825	Total land area: 984 sq. mi.
Pop'n change '70-78: 17.5%	Land in farms '78: 563,574 ac. (89%)
Pop'n per sq. mi. '78: 110	Harvested cropland '78: 351,862 ac. (56%)
Importance of Agric. ('77)	Prime farmland '67: 174,894 ac. (28%)
13.9% employed residents	Farms less than 50 ac. ('78): 42%
14.5% personal income	Mkt. value prod. per ac. ('78): \$325

A. Description of Program

Yolo County Code, Art. 4

Agricultural Preserve Zone (A-P):

This zone is restricted to areas designated by the county's master plan for agricultural use. Land is included in this zone on application by owners; and to be considered, the land proposed for inclusion must be about an existing Agricultural Preserve or contain at least 160 acres. Most of the farmland in preserves is under Williamson Act contracts (see the listing of state programs for California's program of differential assessment).

Permitted are agricultural and related uses (including farm and ranch dwellings and roadside stands for the sale of agricultural products primarily grown in the local area), oil and gas well drilling operations, electrical substations, parks, and recreation areas.

The conditional uses which may be approved include agricultural labor camps, animal feed yards, and hog farming, among others.

The minimum lot size is 20 acres.

Division of parcels within this zone shall be approved if the newly created parcels are "consistent with the zone by preserving the agricultural use from the encroachment of nonagricultural uses, tend to maintain the agricultural economy, tend to assist preservation of prime lands, and preserve lands with public value as open space..."

B. Experience: As of 1979 seventy-five percent of the county's non-federally owned land was included in Agricultural Preserves.

C. Other Programs: Differential Assessment: Restrictive Agreements (Ca.)

D. For Additional Information: County of Yolo Planning Department, 292 West Beamer, Woodland, California 95695. Telephone: (916) 668-8556.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

BOULDER COUNTY, COLORADO In Denver-Boulder SMSA

Population '78: 174,650	Total land area: 482 sq. mi.
Pop'n change '70-78: 32%	Land in farms '78: 131,312 ac. (43%)
Pop'n per sq. mi. '78: 362	Harvested cropland '78: 45,114 ac. (15%)
Importance of Agric. ('77)	Prime farmland '67: 40,899 ac. (13%)
1.3% employed residents	Farms less than 50 ac. ('78): 47%
0.6% personal income	Mkt. value prod. per ac. ('78): \$290

A. Description of Program:

Boulder County Zoning Ordinance

Agricultural Districts:

Permitted uses include agriculture and its related uses.

A farm is a parcel of at least 35 acres.

No more than two (2) housing units are permitted per-35 acre parcel. Houses can be built on any size lot, but 75% of the total land area must be kept open or non-developed.

Rezoning for other use will be denied unless the parcel is within an identified existing urban area.

B. Experience: No data.

C. Other Programs: Preferential Assessment (Co.)

D. For Additional Information: Boulder County Planning Department, Boulder, Colorado 80302 Telephone: (303) 441-3131.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

WELD COUNTY, COLORADO Non-SMSA County

Population '78: 110,346	Total land area: 3,677 sq. mi.
Pop'n change '70-78: 24%	Land in farms '78: 2,354,136 ac. (99%)
Pop'n per sq. mi. '78: 30	Harvested cropland '78: 606,600 ac. (26%)
Importance of Agric. ('77)	Prime farmland '67 191,002 ac. (8%)
1.7% employed residents	Farms less than 50 ac. ('78): 19%
1.2% personal income	Mkt. value prod. per ac. ('78): \$350

A. Description of Program:

Weld County Zoning Resolution; Weld County Subdivision Regulations

Agricultural Zone District (A):

Farming, ranching, gardening, and various public uses are permitted by right.

One single family dwelling is allowed per legal lot.

Lot sizes on lands classified as irrigated lands must be at least 80 acres.

Lot area on lands classified as dry lands is required to be at least 160 acres.

If a subject parcel contains both dry and irrigated lands, then the predominant classification shall govern minimum lot size. Exceptions to the 80 and 160 acre minima may be granted but no agriculturally zoned parcel may be split more than once every 5 years, and only one additional parcel is created at each split.

Rezoning out of agricultural use normally are to occur only on land near incorporated areas, so that new development will be close to municipal services and, hence, be less expensive to serve than if it were permitted farther from towns.

B. Experience:

A study of county rezoning decisions, 1977-79, indicates that new development was directed to areas close to existing towns. (i.e., most were within one mile of corporate boundaries).

C. Other Programs: Preferential Assessment (Co.)

D. For Additional Information: Planning Director, Planning and Zoning Department, Weld County, Greeley, Colorado, 80631.
Telephone: (303)356-4000.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

ADA COUNTY, IDAHO

SMSA COUNTY

Population '78: 152,742	Total land area: 545 sq. mi.
Pop'n change '70-'78: 36%	Land in farms '78: 247,454 ac. (71%)
Pop'n per sq. mi. '78: 280.4	Harvested cropland '78: 84,388 ac. (24.2%)
Importance of Agric. ('77)	Prime farmland '67: 11.3%
2% employed residents	Farms less than 50 ac. ('78): 53%
1% personal income	Mkt. value prod. per ac. ('78): \$234

A. Description of Program

Ada County Comprehensive Land Use Plan, adopted 1968.

Ada County Zoning Ordinance, adopted 1968, amended 1977.

D-1 Zone (Rural District), Chapter IV.

Permitted Uses: Commerical feed lot; dairy farm; dwelling unit - single family, one per lot; electrical substation; mobile home, one per lot; public utility facility; sign.

Conditional Uses: Aircraft landing field; animal clinic; cemetery; churches; clubs; commercial greenhouses/nurseries; commercial meat packing facilities; commercial processing plants; commercial shop for repairs of machinery; commercial slaughterhouse and meat packing; commercial stable and riding schools; disposal of dead animals, refuse, rancid fat; drag strip; electrical substation; garage or storage building - private; gocart tracks; golf courses; golf driving range; gravel pit; home occupation; junk yard; labor camps; mortuaries; nursery schools; poultry slaughterhouses; public/quasi-public use; public schools; race tracks; radio and television towers; rock crushers; sanitary land fills and garbage dumps; shooting range; drive-in theaters.

Minimum Lot Size: 80 acres.

B. Experience: Approximately 20% of the county is zoned D-1.

C. Other Programs: Preferential assessment

D. For Additional Information: Zoning Administrator, 150 North Capitol, Boise, Idaho 83702. Tel: (208) 344-7600.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

BLAINE COUNTY, IDAHO

Non-SMSA County

Population '78: 9,201
Pop'n change '70-'78: 60%
Pop'n per sq. mi. '78: 12.1
Importance of Agric. ('77)
9% employed residents
4% personal income

Total land area: 761 sq. mi.
Land in farms '78: 314,233 ac. (64.5%)
Harvested cropland '78: 51,629 ac. (10.6%)
Prime farmland '67: 2.4%
Farms less than 50 ac. ('78): 15%
Mkt. value prod. per ac. ('78): \$48

A. Description of Program

Blaine County Comprehensive Plan, adopted 1974.

Blaine County Zoning Ordinance, adopted 1977.

1. Productive Agricultural District (A-20), Chapter 5 of the Zoning Ordinance.

Permitted Uses: 1) Use of land for agricultural purposes; 2) open space recreation uses; 3) wildlife reserves; 4) single family residences.

Accessory Uses: 1) living quarters for persons employed on the premises; 2) recreation facilities for private use.

Conditional Uses: 1) public or private air fields; 2) animal hospitals; 3) processing plants, including the processing, packaging, storage and distribution of agricultural products or dairy products, (This shall not include a rendering plant); 4) feed lots; 5) public utility installations, not including business offices, repair or storage facilities; 6) roadside stands for the sale of agricultural products grown on the premises; 7) temporary use of a mobile home during construction of a permanent dwelling for a period not to exceed one year; 8) public campgrounds, when screened or hidden from view from public highways; 9) mobile homes for persons employed on the premises, provided that the mobile home is not the primary residence of the farm or ranch; 10) home occupations.

Minimum Lot Size: 20 acres - minimum lot width, 200 feet.

B. Experience: Planners report that farmland is still being lost to development.

C. Other Programs: Preferential assessment.

D. For Additional Information: Planning and Zoning Administrator, Post Office Box 149, Hailey, Idaho 83333. Tel: (208) 788-4665.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

CAMAS COUNTY, IDAHO

Non-SMSA COUNTY

Population '78: 768
Pop'n change '70-'78: 3.8%
Pop'n per sq. mi. '78: 2.1
Importance of Agric. ('77)
49% employed residents
47% personal income

Total land area: 368 sq. mi.
Land in farms '78: 213,739 ac. (90.7%)
Harvested cropland '78: 93,697 ac. (39.7%)
Prime farmland '67: 0%
Farms less than 50 ac. ('78): 6%
Mkt. value prod. per ac. ('78): \$35

A. Description of Program

Camas County Comprehensive Land Use Plan, adopted 1974.

Camas County Zoning Ordinance, adopted 1975.

Documents for permitted and conditional uses are not available.

Minimum Lot Size: 40 acres.

B. Experience: All county unincorporated land is in the agricultural zone.

C. Other Programs: Preferential assessment.

D. For Additional Information: Planning Administrator, Box 343, Fairfield, Idaho 83327. Tel: (208) 764-2242.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

KANE COUNTY, ILLINOIS In the Chicago SMSA

Population '78: 276,809	Total land area: 518 sq. mi.
Pop'n change '70-78: 10%	Land in farms '78: 250,469 ac. (76%)
Pop'n per sq. mi. '78: 534	Harvested cropland '78: 210,269 ac. (63%)
Importance of Agric. ('77)	Prime farmland '67: 250,327 ac. (76%)
2.0% employed residents	Farms less than 50 ac. ('78): 24%
3.3% personal income	Mkt. value of prod. per ac. ('78) \$344

A. Description of Program

General Land Use Plan for Kane County, Resolutions #78-65, 78-169

With respect to county planning, two southwestern townships (Big Rock and Kaneville) are designated as separate geographical and functional parts of the Official County Plan.

In order to control the growth of these townships, certain areas have been designated for prime agricultural, rural residential (high permitted density), or countryside residential (low permitted density).

1. Prime Agricultural Land: The prime agricultural lands were identified on the basis of United States Soil Conservation soil surveys and Circular 1016, Productivity of Illinois Soils (University of Illinois, College of Agriculture, Cooperative Extension Service).

Areas designated as prime agricultural land shall not be subdivided into tracts smaller than 40 acres per family, thus retaining the agricultural character and utility of such areas.

2. Rural Residential: This designation is for areas which are in the vicinity of existing developments but which lack municipal sanitary facilities. Rural residential development shall occur on plots of at least 40,000 square feet.
3. Countryside Residential: Countryside residential development shall occur in areas so designated by the plan on plots of 4 acres, minimum (a two acre minimum in Kaneville Township).

B. Experience: No data.

C. Other Programs: Differential Assessment: Deferred Taxation (IL), Exclusive Agricultural Zoning (Boone and DeKalb Counties), Non-Exclusive Agricultural Zoning: Large Lot (Kendall, McHenry, Stephenson, and Tazewell Counties).

D. For Additional Information: Contact: Kane County Development Department, 719 Batavia Avenue, Geneva, Illinois 60134.
Telephone: (312)232-2400.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

MC HENRY COUNTY, ILLINOIS In Chicago SMSA

Population '78: 140,017	Total land area: 610 sq. mi.
Pop'n change '70-78: 25.5%	Land in farms '78: 269,122 ac. (69%)
Pop'n per sq. mi. '78: 230	Harvested cropland '78: 213,801 ac. (55%)
Importance of Agric. ('77)	Prime farmland '67: 240,005 ac. (61%)
6.0% employed residents	Farms less than 50 ac. ('78): 27%
0.8% personal income	Mkt. value prod. per ac. ('78): \$278

A. Description of Program:

McHenry County Zoning Ordinance, 1979 Comprehensive Amendment.

1. A-1 Agriculture:

"This Zoning District is designed principally to maintain agricultural uses and restrict those uses which would conflict with this purpose. One-hundred sixty (160) acres is the minimum parcel size in this Zoning District for single-family residential use."

2. A-2 Agriculture:

"This Zoning District is designed principally to permit individual residences in areas zoned A-1 Agriculture....One (1) acre is the minimum parcel size...for single family residential use....It is the intent that this district be designed so that land unsuitable for agriculture may be utilized for residential purposes. All activities within this district shall be compatible with surrounding agricultural areas, and shall maintain, preserve, and enhance agricultural land."

Rezoning of land from A-1 to A-2 status "will not be permitted unless the applicant presents clear and convincing evidence that the property sought to be rezoned is not suitable for agricultural use."

In determining farmability, the rezoning authorities are to use the following criteria: " (A) Existence of man-made and natural physical features which may serve as barriers to agricultural uses, (B) Topography and slope, productivity records and suitability interpretation for prime agricultural farmland soils," and (F) The requirements of the Plat Act.

B. Experience: II Dist. App. Court (IL) upheld ordinance, Feb. 2, 1981.

C. Other Programs: Differential Assessment: Deferred Taxation (II.) Agricultural Districting (II.)

D. For Additional Information: The McHenry County Regional Planning Commission, 2200 North Seminary Avenue, Woodstock, Illinois, 60098. Telephone: (815)338-2040.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT AND SOIL SUITABILITY

STEPHENSON COUNTY, ILLINOIS Non-SMSA County

Population '78: 46,741	Total land area: 568 sq. mi.
Pop'n change '70-78: -4%	Land in farms '78: 341,049 ac. (94%)
Pop'n per sq. mi. '78: 82	Harvested cropland '78: 257,734 ac. (70%)
Importance of Agric. ('77)	Prime farmland '67: 272,331 ac. (75%)
4.7% employed residents	Farms less than 50 ac. ('78): 16%
2.1% personal income	Mkt. value prod. per ac. ('78): \$291

A. Description of Program

Stephenson County Code, Sec. 7.01-7.02, as amended June 1978

1. A-1 Prime Agricultural Cropland District:

Agricultural area is defined as "area which is used specifically for the purpose of producing crops, livestock, poultry, or dairy products."

These districts were established to protect land best suited for the production of crops.

A farm is a parcel of at least 40 acres.

Single family detached dwellings are permitted only "on those lands having a capability classification other than Class 1 or Class 2, ...on lots not less than two (2) acres in area and not less than 200 feet in width."

Rezoning is permitted principally in areas near cities and towns.

2. A-2 General Agricultural District:

Established as a zone in which agriculture and related uses are encouraged as the principal uses on land.

These districts are typically located near cities and towns, and are not as suited for agriculture. The zone is designed to prevent the premature end of agricultural pursuits, but permits the introduction of a limited number of nonagricultural rural and urban-type uses.

A farm is defined as a parcel of 5 acres or more.

B. Experience: No data

C. Other Programs: Differential Assessment: Deferred Taxation (Il.) Agricultural Districting (Il.)

D. For Additional Information: Stephenson County Zoning Administrator, Courthouse, 15 N. Galena Ave., Freeport, Illinois 61032. Telephone: (815)235-8275.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT AND SOIL SUITABILITY

TAZEWELL COUNTY, ILLINOIS Non-SMSA County

Population '78: 128,990	Total land area: 651 sq. mi.
Pop'n change '70-78: 9%	Land in farms '78: 354,110 ac. (85%)
Pop'n per sq. mi. '78: 198	Harvested cropland '78: 294,833 ac. (71%)
Importance of Agric. ('77)	Prime farmland '67: 294,538 ac. (71%)
3.0% employed residents	Farms less than 50 ac. ('78): 21%
3.4% personal income	Mkt. value prod. per ac. ('78): \$208

A. Description of Program:

Code of Tazewell County, Title VII, Chapter 1-Zoning

Agricultural Zone:

Permitted uses include agriculture and its customary accessory uses, well drilling for oil and natural gas deposits, and lots for elementary and secondary schools.

On a parcel 60 acres or larger, a farmer can build a house and one other accessory dwelling.

If a parcel is under 60 acres, a special use classification is necessary to build. A building lot cannot be located within 3/4 mile of hog, livestock, or poultry operations. The lot should contain at least one acre, with a 200 foot width, but cannot contain more than 20,000 square feet of top grade farmland, (land having a productivity level of 85 or higher, according to the standards of Tazewell County).

Rezoning is based on the quality of the land and its relationship to the surrounding area.

B. Experience: no data

C. Other Programs: Differential Assessment: Deferred Taxation (IL.) Agricultural Districting (IL.)

D. For Additional Information: Tazewell County Zoning Department Supervisor, Pekin, Illinois 61554. Telephone: (309)347-4600.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

ST. JOSEPH COUNTY, INDIANA In South Bend SMSA

Population '78: 241,739
Pop'n change '70-78: -1.3%
Pop'n per sq. mi. '78: 519
Importance of Agric. ('77)
1.7% employed residents
0.6% personal income

Total land area: 465 sq. mi.
Land in farms '78: 180,961 ac. (61%)
Harvested cropland '78: 143,114 ac. (48%)
Prime farmland '67: 125,577 ac. (42%)
Farms less than 50 ac. ('78): 35%
Mkt. value prod. per ac. ('78): \$214

A. Description of Program:

St. Joseph County Ordinance No. 6, amendment No. APC-79(1979)

Agricultural District (A):

Agriculture is "the science and art of agricultural pursuits, including farming, dairying, truck gardening and animal husbandry, but not including confining feeding operations."

Confined feeding operations must be located at least one mile from the corporate limits of a city or town, and from the boundary of a residential district.

Agricultural uses require lots of at least 20 acres.

Single family residential uses also require lots of at least 20 acres as well as 600 feet in width.

As of early 1979 this zoning classification covered 63 percent of the county.

B. Experience: The Agricultural District (A) covered 20 percent of the County's unincorporated land as of early 1979.

C. Other Programs: Preferential Assessment (In.)

D. For Additional Information: Area Plan Commission of St. Joseph County, Indiana, Room 1140 County-City Building, South Bend, Indiana, 46601. Telephone: (219)284-9011.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT AND SOIL SUITABILITY

BLACK HAWK COUNTY, IOWA In Waterloo-Cedar Falls SMSA

Population '78: 138,800	Total land area: 568 sq. mi.
Pop'n change '70-78: 4%	Land in farms '78: 315,533 ac. (87%)
Pop'n per sq. mi. '78: 244	Harvested cropland '78: 258,262 ac. (71%)
Importance of Agric. ('77)	Prime farmland '67: 227,357: ac. (63%)
3.2% employed residents	Farms less than 50 ac. ('78): 23%
1.4% personal income	Mkt. value prod. per ac. ('78): \$273

A. Description of Program

Zoning Ordinance, Black Hawk County, Iowa (1980)

1. Agricultural District (A-1)

This district allows agricultural uses and related buildings and structures. Also permitted are single-family dwellings provided that the lot is at least 1.5 acres in size and that a minimum of 75 percent of its surface consists of one or more "buildable soils", i.e. those which the County has found to have "few limitations for septic systems, foundations, and other residential characteristics". The ordinance lists seven such soils, and none of these is considered to be "prime" for agriculture. Only about 5 percent of the county's unincorporated area is covered by these soils. The 75-percent-"buildable"-soils criterion does not apply if the landowner intends to create more than three new lots. Then, he must obtain rezoning.

An A-1 zoned parcel which is at least 35 acres in size and 350 feet in width may receive a residential building permit without the need to be rezoned or to meet the criterion that 75 percent or more of its surface consists of "buildable soils".

Parcels which meet neither the 75-percent-buildable-soils criterion nor the 35-acre minimum must be rezoned before development may occur. However, if the land is "prime" for agricultural use, it normally will not be rezoned. The 1980 ordinance defines land as prime if it has a "Corn Suitability Rating" (CSR) of 60 or above. This rating is an index which ranges from 5 to 100, for ranking the suitability of soils for row-crop production in Iowa. The ordinance provides that "a parcel of land where more than twenty-five (25) percent of its area consists of agricultural lands of productive soils {i.e., having a CSR of 60 or higher}... shall be considered 'prime' and shall be preserved as 'A-1' Agricultural District, unless there are extenuating circumstances" (such as the parcel being covered with timber or being too small and isolated, or otherwise being uneconomic to farm).

Regardless of the Corn Suitability rating, land will not be rezoned to residential use if it is within a quarter mile of an existing feed lot, confinement facility, or poultry farm. Conversely, such agricultural operations shall not be newly established within such distance of an existing residential district if the operation requires a waste discharge permit

- B. Experience: A study of rezoning decisions, 1976-79, indicates that development was largely restricted to areas with low CSRs or where, despite a high CSR listed on the soil survey, there was some physical obstacle to economic farming (e.g., the land was covered with timber).
- C. Other Programs: Preferential Assessment (IA.)
- D. For Additional Information: County Zoning Administrator, Black Hawk County Zoning Commission, 209 W. 5th Street, Waterloo, Iowa 50701. Telephone: (319)235-0311.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT AND SOIL SUITABILITY

BREMER COUNTY, IOWA Non-SMSA County

Population '78: 24,428	Total land area: 439 sq. mi.
Pop'n change '70-78: 17%	Land in farms '78: 254,675 ac. (91%)
Pop'n per sq. mi. '78: 56	Harvested cropland '78: 220,222 ac. (71%)
Importance of Agric. ('77)	Prime farmland '67: 229,839 ac. (82%)
19.9% employed residents	Farms less than 50 ac. ('78): 21%
10.0% personal income	Mkt. value prod. per ac. ('78): \$257

A. Description of Program

Bremer County Zoning Ordinance, November 1975

1. Agricultural District (A-1):

This district allows agricultural uses and related buildings and structures, commercial feed lots and confinement facilities, and single family dwellings on land which is not suited for high levels of agricultural production.

The Corn Suitability Rating (CSR) is an index, which ranges from 5 to 100, for ranking the suitability of soils for row-crop production in Iowa.

A parcel at least 35 acres in area and at least 330 feet wide is entitled to one residential use permit without rezoning.

A parcel, 75% of which is land with a CSR below 70, may have a single family dwelling, provided the lot is at least 40,000 sq. feet in area, and at least 150 feet wide.

Rezoning must be approved by the County Board of Supervisors, and is based on the type of soil involved, and the parcel's relationship to the surrounding area.

2. Agricultural District (A-2):

Any use permitted in the A-1 District is permitted in this district. Regulations of residential uses are the same as in the A-1 District. In addition, permitted uses include airports and landing fields, parks, playgrounds, golf courses, service organizations, and recreational uses.

B. Experience: No data

C. Other Programs: Preferential Assessment (Ia.)

D. For Additional Information: Bremer County Zoning Administrator, 415 E. Bremer Avenue, Waverly, Iowa 50677. Telephone: (319) 352-5277.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT AND SOIL SUITABILITY

BUCHANAN COUNTY, IOWA Non-SMSA County

Population '78: 22,890	Total land area: 568 sq. mi.
Pop'n change '70-78: 5%	Land in farms '78: 342,125 ac. (94%)
Pop'n per sq. mi. '78: 40	Harvested cropland '78: 267,072 ac. (73%)
Importance of Agric. ('77)	Prime farmland '67: 282,839 ac. (78%)
23.7% employed residents	Farms less than 50 ac. ('78): 15%
19.8% personal income	Mkt. value prod. per ac. ('78): \$261

A. Description of Program:

Buchanan County Zoning Ordinance, June 1974

1. Agricultural District (A-1):

This district allows agricultural uses and related buildings and structures, commercial feed lots and confinement facilities, and single family dwellings on land which is not suited for high levels of agricultural production.

The Corn Suitability Rating (CSR) is an index, which ranges from 5 to 100, for ranking the suitability of soils for row-crop production in Iowa.

A parcel at least 35 acres in area and at least 330 feet wide is entitled to one residential use permit without rezoning.

A parcel, 75% of which is land with a CSR below 60, may have a single family dwelling, provided the lot is at least 3 acres in area, and at least 200 feet wide.

Rezoning must be approved by the County Supervisors, and is based on the CSR of the parcel involved, and its relationship to surrounding areas.

2. Agricultural District (A-2):

Any use permitted in the A-1 District is permitted in this district. Regulations of residential uses are the same as in the A-1 District. In addition, permitted uses include airports, and landing fields, parks, playgrounds, golf courses, service organizations, and recreational uses.

B. Experience: No data

C. Other Programs: Preferential Assessment (Ia.)

D. For Additional Information: Buchanan County Zoning Commissioner, Box 2, Independence, Iowa 50641. Telephone: (319)334-2873.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT AND SOIL SUITABILITY

BUTLER COUNTY, IOWA Non-SMSA County

Population '78: 17,295	Total land area: 582 sq. mi.
Pop'n change '70-78: 2%	Land in farms '78: 341,968 ac. (92%)
Pop'n per sq. mi. '78: 30	Harvested cropland '78: 266,632 ac. (72%)
Importance of Agric. ('77)	Prime farmland '67: 279,791 ac. (75%)
32.6% employed residents	Farms less than 50 ac. ('78): 16%
33.4% personal income	Mkt. value prod. per ac. ('78): \$257

A. Description of Program:

Butler County Zoning Ordinance, October 1978

1. Agricultural District (A-1):

This district allows agricultural uses and related buildings and structures, commercial feed lots and confinement facilities, and single family dwellings on land which is not suited for high levels of agricultural production.

The Corn Suitability Rating (CSR) is an index, which ranges from 5 to 100, for ranking the suitability of soils for row-crop production in Iowa.

A parcel at least 35 acres in area and at least 330 feet wide is entitled to one residential use permit without rezoning.

A parcel, 75% of which is land with a CSR below 70, may have a single family dwelling, provided the lot is at least 2 acres in area, and at least 150 feet wide.

Rezoning must be approved by the County Supervisors, and is based on the CSR of the parcel involved, and its relationship to surrounding areas.

2. Agricultural District (A-2):

Any use permitted in the A-1 District is permitted in this district. Regulations of residential uses are the same as in the A-1 District. In addition, permitted uses include airports and landing fields, parks, playgrounds, golf courses, service organizations, and recreational uses.

B. Experience: no data

C. Other Programs: Preferential Assessment (Ia.)

D. For Additional Information: Butler County Zoning Administrator, Butler County Courthouse, Allison, Iowa 50602. Telephone: (319)267-2630.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT AND SOIL SUITABILITY

GRUNDY COUNTY, IOWA Non-SMSA County

Population '78: 14,300	Total land area: 516 sq. mi.
Pop'n change '70-78: 1%	Land in farms '78: 327,046 ac. (98%)
Pop'n per sq. mi. '78: 28	Harvested cropland '78: 280,377 ac. (87%)
Importance of Agric. ('77)	Prime farmland '67: 259,892 ac. (81%)
31.0% employed residents	Farms less than 50 ac. ('78): 12.5%
33.6% personal income	Mkt. value prod. per ac. ('78): \$322

A. Description of Program

Zoning Ordinance of Grundy County, Ordinance No. 78-Z-1.

1. Agricultural District (A-1):

This district allows agricultural uses and related buildings and structures, commercial feed lots and confinement facilities, and single family dwellings on land which is not suited for high levels of agricultural production.

The Corn Suitability Rating (CSR) is an index, which ranges from 5 to 100, for ranking the suitability of soils for row-crop production in Iowa.

A parcel at least 35 acres in area and at least 330 feet wide is entitled to one residential use permit without rezoning.

A parcel, 75% of which is land with a CSR below 70, may have a single family dwelling, provided the lot is at least two (2) acres in area, and at least 200 feet wide.

2. Agricultural District (A-2):

Any use permitted in the A-1 District is permitted in this district. In addition, permitted uses include airports and landing fields, parks, playgrounds, golf courses, service organizations, and recreational uses.

Regulations of residential uses are the same as in the A-1 District with the exception of single family dwellings. Seventy-five percent (75%) of the lot must have a CSR below 70: it must be at least 2 acres in area; and be at least 150 feet wide.

B. Experience: No data

C. Other Programs: Preferential Assessment (Ia.)

D. For Additional Information: Grundy County Sanitarian and Zoning Administrator, Grundy County Memorial Hospital, Grundy Center, Iowa 50638. Telephone: (319)824-6306

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT AND SOIL SUITABILITY

POWESHIEK COUNTY, IOWA Non-SMSA County

Population '78: 19,448	Total land area: 588 sq. mi.
Pop'n change '70-78: 3%	Land in farms '78: 362,745 ac. (96%)
Pop'n per sq. mi. '78: 33	Harvested cropland '78: 243,933 ac. (65%)
Importance of Agric. ('77)	Prime farmland '67: 169,877 ac. (45%)
19.2% employed residents	Farms less than 50 ac. ('78): 13%
17.5% personal income	Mkt. value prod. per ac. ('78): \$202

A. Description of Program:

Poweshiek County, Iowa, Zoning Ordinance, August 1976

Agricultural District:

A farm is "an area of 75 or more acres, not necessarily contiguous, which is used for the growing of farm products..., their storage ...or for raising poultry or livestock."

A farmhouse is "a single family dwelling on a farm which is the residence of the farm owner, a relative of the owner employed on the farm, or other person employed full time on the farm."
(sec. 4)

There are no lot area requirements for farmhouses.

Non-farmhouse single-and-two-family dwellings may be permitted on grade V (5) or poorer grade land as defined by the official soil survey of Poweshiek County.

Non-farmhouse dwellings require lot areas of at least 40,000 sq. feet, and lot widths of at least 150 feet.

B. Experience: About 85% of the county's unincorporated area is zoned A-Agricultural District.

C. Other Programs: Preferential Assessment (Ia.)

D. For Additional Information: Zoning Administrator, Poweshiek County, Montezuma, Iowa, 50171. Telephone: (515)623-5723.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT AND SOIL SUITABILITY
STORY COUNTY, IOWA Non-SMSA County

Population '78: 69,686
Pop'n change '70-78: 11%
Pop'n per sq. mi. '78: 123
Importance of Agric. ('77)
7% employed residents
5% personal income

Total land area: 568 sq. mi.
Land in farms '78: 348,585 ac. (96%)
Harvested cropland '78: 283,240 ac. (78%)
Prime farmland '67: 269,846 ac. (74%)
Farms less than 50 ac. ('78): 22%
Mkt. value of prod. per ac. ('78): \$231

A. Description of Program

Relevant Legislation: Zoning Ordinance of Story County, Iowa, and amendments adopted on March 2, 1978.

A. Agricultural District(A-1):

Agriculture is defined as "the use of not less than 40 acres of land for purposes of growing and storing the usual farm products, dairying, animal and poultry husbandry, and necessary accessory uses."

The Corn Suitability Rating (CSR) is an index, which ranges from 5 to 100, for ranking the suitability of soils for row crop production in Iowa.

If CSR is greater than 61, non-farm single family dwellings must have a lot area of at least 35 acres.

If 75 percent or more of a parcel has a CSR of 61 or less, than non-farm single family dwellings may be placed on lots of at least one acre without rezoning. A-1 land is not considered for rezoning unless at least 50% of the parcel has a CSR of 61 or less.

B. Agricultural District (A-2):

This district is intended to provide for activities which are strongly related to agricultural use. Some are anhydrous ammonia storage or pumping facilities, agricultural chemical and seed sales.

regulations of residential uses are the same as in the A-1 district.

There are no minimum requirements for other uses.

C. Agricultural/Residential District (A-R):

Single family dwellings are required to have a minimum lot area of one acre.

All lots must be at least 100 feet average width.

- D. Other programs: State level: preferential property tax assessment, mandatory land use commissions.
- E. For Additional Information: Contact: Story County Planning and Zoning Administrator, Story County Courthouse, 900 Sixth Street, Nevada, Iowa, 50201. Telephone: (515)382-6581.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

ANDERSON COUNTY, KANSAS Non-SMSA County

Population '78: 8,584
Pop'n change '70-78: 1%
Pop'n per sq. mi. '78: 15
Importance of Agric. ('77)
27.8% employed residents
15.2% personal income

Total land area: 577 sq. mi.
Land in farms '78: 345,891 ac. (94%)
Harvested cropland '78: 153,283 ac. (42%)
Prime farmland '67: 127,523 ac. (35%)
Farms less than 50 ac. ('78): 7%
Mkt. value prod. per ac. ('78): \$59

A. Description of Program

Zoning Regulations for Anderson County, Kansas, 1975

1. Exclusive Agricultural District (A-1):

Uses are restricted to "general agricultural operations," related buildings, storage and sales of agricultural products.

Single and two-family residential uses are allowed only on land which is used or intended for agricultural purposes.

Only parcels "40 acres or larger shall be considered as land used for agricultural pursuit."

This district has land of "the very highest productivity," based on soil type.

For land of this quality, petitions for rezoning are not approved.

2. Agricultural-Transitional District (A-2):

Non-farm single family dwellings are allowed on lots of one acre or larger.

Residential dwellings must be separated by at least 100 feet.

Non-agricultural uses may be located on lots of at least 1/2 acre only if they require no water or sewer facilities, either public or private.

B. Experience: The A-1 district comprised almost 25% of the County as of December 1979.

C. Other Programs: Differential Appraisal for State Inheritance and Estate Taxation (KS.)

D. For Additional Information: Anderson County Planning Commission, Anderson County Courthouse, Garnett, Kansas, 66032.
Telephone: (913)448-6841.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM FRONTAGE

MASON COUNTY, MICHIGAN Non-SMSA County

Population '78: 24,743	Total land area: 398 sq. mi.
Pop'n change '70-78: 9%	Land in farms '78: 87,234 ac. (34%)
Pop'n per sq. mi. '78: 62	Harvested cropland '78: 44,755 ac. (18%)
Importance of Agric. ('77)	Prime farmland '67: 30,604 ac. (12%)
8.8% employed residents	Farms less than 50 ac. ('78): 22%
4.4% personal income	Mkt. value prod. per ac. ('78): \$153

A. Description of Program:

Agricultural District

A farm is defined as "all the contiguous, neighboring, or associated land, operated as a single unit, on which bona fide farming is being carried on" (includes greenhouses, apiaries, orchards, nurseries, poultry hatcheries).

Permitted uses are farming (livestock and crops), sale of farm products, construction of farm dwellings and farm related buildings, and home occupations.

There are no minimum acreage requirements for farms. Farm dwellings must be on lots of at least one acre in size, and all structures must be set back at least 50 feet on all four sides.

Non-farm related dwellings are allowed, but in addition to the restrictions cited above they must be separated by 660 feet of road frontage. All other uses require special permits.

B. Experience: no data

C. Other Programs: Circuit-Breaker for Property Taxation (Mi.)
Differential Appraisal for State Inheritance and Estate Taxation (Mi.)

D. For Additional Information: Mason County Co-ordinator of Zoning Planning-Public Works, Mason County Courthouse, Ludington, Michigan, 49431. Telephone: (616)843-8202.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

SCOTT COUNTY, MINNESOTA

SMSA COUNTY

Population '78: 43,221
Pop'n change '70-'78: 33.3%
Pop'n per sq. mi. '78: 122.4
Importance of Agric. ('77)
10% employed residents
8% personal income

Total land area: 353 sq. mi.
Land in farms '78: 161,940 ac. (72%)
Harvested cropland '78: 113,904 ac. (50%)
Prime farmland '67: 37%
Farms less than 50 ac. ('78): 22%
Mkt. value prod. per ac. ('78): \$200

A. Description of Program

Scott County Zoning Regulations, adopted 1971.

1. Agricultural District (A-1), Chapter 5.10.

Permitted Uses: Single family residences; general farming and related buildings; horticulture; field crops; dairying; livestock raising; wildlife; forest and wetlands management; apiaries and home occupations; intensive poultry farming; livestock feed lots; township halls.

Conditional Uses: Private, public and semi-public clubs; tourist camps and campgrounds; second farm home; processing and packaging of agricultural products including livestock products for retail sale; cold storage plants; fertilizer plants; cemeteries; churches and related facilities; manufacturing and processing of natural resources indigenous to the county; reduction and salvage yards; personal service shops; artificial lakes, dams, and reservoirs; sanitary landfills; portable asphalt mixing plants; landing strips; nursery schools; electrical substation. Commercial activities including the following: livestock experimentation; kennels and animal hospitals; nurseries and greenhouses; bulk liquid storage; forest industries; stand for the sale of agricultural products; pits and quarries; recreational facilities; agriculturally related machine shops; storage garages, consignment sale of used agricultural equipment (excluding individual farm auctions); frog and fish hatchery.

Minimum Lot Size: 40 acres or one-quarter of a section and 660 feet in width.

2. Agricultural District (A-2), Chapter 5.11 of the Zoning Ordinance.

Permitted Uses: Same as District A-1.

Conditional Uses: Same as District A-1.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

SCOTT COUNTY, MINNESOTA - continued

Minimum Lot Size: 10 acres and 300 feet in width.

- B. Experience: Program is working but will improve when new comprehensive plan is finished.
- C. Other Programs: (1) Twin Cities Metropolitan Council planning, zoning, and facilities location requirements as well as right to farm legislation and agriculture districts. (2) Deferred taxation.
- D. For Additional Information: Planning Director,
428 South Holmes, Shakopee, Minnesota 55379.
Tel: (612) 445-7750.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WASHINGTON COUNTY, MINNESOTA SMSA COUNTY

Population '78: 115,252	Total land area: 386 sq. mi.
Pop'n change '70-'78: 38.9%	Land in farms '78: 136,620 ac. (55%)
Pop'n per sq. mi. '78: 298.6	Harvested cropland '78: 83,404 ac. (34%)
Importance of Agric. ('77)	Prime farmland '67: 30.6%
5.9% employed residents	Farms less than 50 ac. ('78): 29%
2.8% personal income	Mkt. value prod. per ac. ('78): \$197

A. Description of Program

Commercial Food Production District (CFP), Section 6 of the Zoning Ordinance.

Preserve commercial agriculture as a viable permanent land use and a significant economic activity within the community.

Permitted Uses: Agriculture; domestic farm animals; pets; forests; commercial nursery; single family residence; wildlife reserve.

Accessory Uses: Boarders; boat dock; fences; garage; incidental repair; lodging room; recreation equipment storage; residential waterfront uses; storage (incidental to principal use).

Conditional Uses: Commercial training of animals; antennae (over 45 feet); seasonal business; camp grounds; care facility; churches; clear cutting; solid and liquid waste disposal areas; government buildings; essential services (utilities); explosives; farm equipment sales; feed lots; guest house; home occupations; student housing; interior uses; kennels (private and commercial); land reclamation; mining; mobile home; nature center; day or school nursery; research; residential (town house or duplex); riding stables; road side sales stand; storage; temporary, historic, or scenic structures; swimming pool; trailer/recreational vehicle park; temporary farm dwelling; utility substations; veterinary clinic.

Minimum Lot Size: 35 acres with a minimum width of 300 feet.

B. Experience: County is losing agricultural land - Present program is not effective.

C. Other Programs: Twin Cities Metropolitan Council planning, zoning, and facilities location requirements as well as right to farm legislation and agriculture districts. 2) Deferred taxation.

D. For Additional Information: Washington County Planning Department, 14900 61st Street North, Stillwater, Minnesota 55082. Tel: (612) 439-3220.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WRIGHT COUNTY, MINNESOTA

SMSA COUNTY

Population '78: 52,071

Pop'n change '70-'78: 33.7%

Pop'n per sq. mi. '78: 77.25

Importance of Agric. ('77)

20% employed residents

15% personal income

Total land area: 674 sq. mi.

Land in farms '78: 315,334 ac. (73%)

Harvested cropland '78: 203,429 ac. (47%)

Prime farmland '67: 46.5%

Farms less than 50 ac. ('78): 25%

Mkt. value prod. per ac. ('78): \$174

A. Description of Program

Wright County Zoning Ordinance, adopted 1978.

1. Special Purpose District (A-1), Section 603 of the Zoning Ordinance.

Permitted Uses: Agricultural land uses, farmstead residences, forestry and nurseries, seasonal produce stands (family operated), public recreation, historic sites, flood, erosion controls and watershed structures, wildlife and conservation.

Conditional Uses: Cemeteries, commercial outdoor recreations, essential services (public utilities), feed lots, mining and extraction - only with reclamation.

Minimum Lot Size: 40 acres.

2. General Agriculture (A-2), Section 604 of the Zoning Ordinance.

Permitted Uses: Agricultural land uses, farmstead residences, forestry and nurseries, family operated seasonal produce stands, public recreation, historic sites and areas, horticultural use, single family dwellings - one nonfarm dwelling per quarter-quarter section (40 acres) with the following conditions: a) Dwelling unit will be entirely within a quarter-quarter section on a separately owned parcel; b) minimum frontage of 200 feet on a public road; 3) no further residential lots shall be created on the 40 acre parcel unless zoned.

Conditional Uses: Land reclamation and alteration, farm equipment sales, essential services (public utilities), commercial feed lots, commercial kennels, riding stables, home occupation, agricultural products and livestock processing plants, resorts, cemeteries, nursery and garden sales supplies, dams, power plants and their appurtenances, churches, schools (meeting safe sewage treatment), police

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WRIGHT COUNTY, MINNESOTA - Continued

stations, fire stations, commercial recreation (golf courses, movies), mobile homes as an accessory use to a farm, mining (sand and gravel extraction), sewage treatment plants, sanitary land fills.

Minimum Lot Size: For farm residence - none. For nonfarm dwellings - one acre minimum, 2½ acres maximum, with a maximum density of one dwelling unit per 40 acres, minimum width - 100 feet.

- B. Experience: In comparison to what would have happened without ordinance, planners are satisfied with its effectiveness.
- C. Other Programs: Deferred taxes.
- D. For additional Information: Planning and Zoning Administrator, Wright County Courthouse, Buffalo, Minnesota 55313.
Tel: (612) 682-3900.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

BENTON COUNTY, OREGON

Adjacent SMSA County

Population '78: 65,841	Total land area: 522 sq. mi.
Pop'n change '70-'78: 22.4%	Land in farms '78: 117,892 ac. (35.3%)
Pop'n per sq. mi. '78: 126.1	Harvested cropland '78: 66,753 ac. (20%)
Importance of Agric. ('77)	Prime farmland '67: 20.2%
5% employed residents	Farms less than 50 ac. ('78): 47%
3% personal income	Mkt. value prod. per ac. ('78): \$170

A. Description of Program

Benton County Comprehensive Plan, adopted 1974.

Benton County Zoning Ordinance, adopted 1974.

Exclusive Farm Use District (EFU), Section 5.

Permitted Uses: Farm use; no more than three dwelling units or mobile homes in any combination for the use of owner, owner's family, farm operator or employees in conjunction with farm use; other buildings customarily provided in conjunction with farm use (as defined in ORS 215.203); public utility facilities except commercial facilities for purpose of generating power for public use by sale; propagation or harvesting of a forestry product.

Conditional Uses: commercial activities that are in conjunction with farm use; operations conducted for exploration, mining and processing of geothermal resources aggregate and other mineral resource or other subsurface resources; private parks, playgrounds, hunting and fishing preserves, campgrounds; parks, playgrounds, or community centers owned and operated by a governmental agency or nonprofit community organization; greenway corridor acquisition and bike paths; golf course; commercial utility facilities generating power for public use by sale; single family dwellings; public or private schools and churches, not provided in conjunction with farm use; lot area of less than 40 acres provided such lot size is in conformity with the intent of this Article and ORS Chapter 215; open space as defined under ORS 308.740 and 308.745.

Minimum Lot Size: Minimum lot area of any lot located in the (EFU) Zone shall be 40 acres or 10 acres as designated by the suffix number indicated on the official zoning map of Benton County.

B. Experience: County has experienced little development pressure.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

BENTON COUNTY, OREGON - Continued

C. Other Programs: Deferred taxation; right to farm; statewide planning and zoning requirements.

D. For Additional Information: Benton County Planning Department, Law Enforcement Center, Corvallis, Oregon 97330.
Tel: (503) 757-6879.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

CROOK COUNTY, OREGON

Non-SMSA County

Population '78: 12,174	Total land area: 1,473 sq. mi.
Pop'n change '70-'78: 21.9%	Land in farms '78: 880,061 ac. (93.3%)
Pop'n per sq. mi. '78: 8.26	Harvested cropland '78: 47,020 ac. (5%)
Importance of Agric. ('77)	Prime farmland '67: 18.8%
14% employed residents	Farms less than 50 ac. ('78): 34%
2% personal income	Mkt. value prod. per ac. ('78): \$17

A. Description of Program

Crook County Comprehensive Plan, adopted 1978.

Crook County Zoning Ordinance, adopted 1978.

1. Exclusive Farm Use Zone (EFU-1), Section 3.010 of the Zoning Ordinance.

Permitted Uses: 1) farm use (as defined in ORS 215.203 (2), except a use specified in conditional uses of this section); 2) Propagation or harvesting of a forest product; c) public service utility facility, except commercial generating station; d) dwellings and other buildings customary to farm use; e) land partitioning for farm use creating not more than two parcels, neither of which is less than 160 acres.

Conditional Uses: a) public or private schools; b) churches; c) livestock feed lot or sales yard, hog or mink farm within one-half mile from a lot in a rural service center zone, or a residence dwelling not owned by the applicant; d) commercial activities in conjunction with farm uses; e) operations for exploration, mining, and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources; f) land partitioning for homestead retention with a minimum parcel of 80 acres, provided farm unit is at least 80 acres and has been owned by applicant for at least 3 years; g) mobile home as an accessory farm dwelling located within 1 mile of a residence dwelling not owned by the applicant; h) resident dwelling located within one-half mile of a livestock feed lot or sales yard, hog or mink farm not owned by the applicant; i) private parks, playgrounds, hunting, and fishing preserves and campgrounds; j) parks, playgrounds, or community centers owned and operated by a governmental agency or a nonprofit community organization; k) golf courses; l) commercial utility generating facilities; m) land partitioning for farm use resulting in the creation of not more than two parcels less than 160 acres; n) personal-use airports; o) home occupations carried on by resident as an

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

CROOK COUNTY, OREGON - Continued

accessory use within their dwelling or other buildings customary with farm use; p) portable or temporary facility for the primary processing of forest products (portable chipped, stud mill, etc.) which must be located on same or contiguous parcel where timber is grown - facility may be approved for a one year period and is renewable; q) boarding of horses.

Conditional use permitted may be established on nonproductive agricultural lands subject to criteria listed in this ordinance and upon a finding by the Commission that each use: a) is compatible with farm uses and is consistent with the intent and purposes set forth in ORS 215.243, the County Comprehensive Plan and this Ordinance; b) does not interfere seriously with accepted farming practices; c) does not materially alter the stability of the overall land use pattern of the area; d) is situated on generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract; e) complies with such other conditions as the governing body of the county considers necessary, and specifically complies with the intent and purposes of the County's Rural Land Use and Development Policy.

Minimum Lot Size: For irrigated and dry lands - 40 acres; for range and ranch land - 160 acres; minimum lot width - 100 feet.

2. Exclusive Farm Use Zone (EFU-2-3), Sections 3.020 and 3.030 of the Zoning Ordinance.

Permitted Uses: Same as EFU-1.

Conditional Uses: Same as EFU-1, with the following exception: a) horses may be boarded in EFU-2, but not EFU-3; b) airports other than personal-use may be allowed in EFU-3, but not in EFU-2; c) land partitioning for homestead residency of seven years in EFU-2 and EFU-3; d) land partitioning for farm use allows for only two parcels with a 40 acre minimum to be created in EFU-2 while there is no limit of 40 acre parcels that can be created in EFU-3; e) both EFU-2 and EFU-3 have restrictions on residential dwellings beyond EFU-1.

Minimum Lot Size: Same as EFU-1, but in no case shall a lot area be less than 1 acre except in the case of a Planned Unit Development with an equivalent density factor.

3. Exclusive Forest Use Zone (EFU-4) Section 3.040 of the Zoning Ordinance.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

CROOK COUNTY, OREGON - Continued

Permitted Uses: Same as EFU-1, except replacement of Land Use Partitioning use with - dwellings and other buildings customary with forest uses.

Conditional Uses: Same as EFU-1, but does not allow a) public or private schools; b) churches; c) livestock feed lots or sales yards; d) commercial activities; e) land partitioning for homestead retention; f) golf courses. Other exceptions allow for land partitioning for forest and farm use creating one or two parcels of not less than 40 acres and restrictions on residential dwellings similiar to EFU-2 and EFU-3/

Minimum Lot Size: 40 acres with a minimum width of 150 feet.

- B. Experience: Planners report satisfaction with ordinance.
- C. Other Programs: 1) deferred taxation; 2) right to farm; and 3) statewide planning and zoning requirements.
- D. For Additional Information: Planning Department, Crook County Courthouse, Prineville, Oregon 97754. Tel: (503) 447-3211.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

DESCHUTES COUNTY, OREGON

Non-SMSA County

Population '78: 52,053
Pop'n change '70-'78: 71%
Pop'n per sq. mi. '78: 75
Importance of Agric. ('77)
4% employed residents
0.3% personal income

Total land area: 694 sq. mi.
Land in farms '78: 144,974 ac. (32.6%)
Harvested cropland '78: 18,505 ac. (4.2%)
Prime farmland '67: 7.9%
Farms less than 50 ac. ('78): 56%
Mkt. value prod. per ac. ('78): \$71

A. Description of Program

Deschutes County Comprehensive Plan, adopted 1979.

Deschutes County Zoning Ordinance, adopted 1979.

1. Exclusive Farm Use (EFU-320), Section 4.010.

Permitted Uses: a) farm use as defined in ORS 215.203 (2); b) propagation or harvesting of a forest product; c) public service utility facilities except landfills or commercial generating facilities; d) dwellings or other buildings customary with farm use including mobile homes as regulated; e) public or private schools; f) churches; g) livestock feed lot or sales yard.

Conditional Uses: a) commercial activities in conjunction with farm uses; b) operation conducted for the exploration, mining and processing of geothermal resources or mining of mineral resources for personal or farm use; c) homestead retention when entire parcel has been under single ownership for at least the preceeding ten consecutive years and the parcel occupies not less than 320 acres; d) mobile home as an accessory farm dwelling as as regulated; e) single family residential dwellings; f) private parks, playgrounds, hunting, and fishing preserves and campgrounds; g) parks, playgrounds, or community centers owned and operated by a governmental agency or a nonprofit community organization; h) golf courses; i) commercial utility generating facilities; j) personal use landing strips; k) home occupations carried on by residents as an accessory use within their dwelling or other buildings customary with farm use; l) portable or temporary facility for the primary processing of forest products (portable chipper or stud mill) which must be located on same or contiguous land parcel where timber is grown - facility may be approved for a one year period and is renewable; m) horse breeding.

Minimum Lot Size: 320 acres - minimum lot area for all non-farm uses shall not be less than one acre - minimum lot width, 100 feet; minimum street frontage, 50 feet.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

DESCHUTES COUNTY, OREGON - Continued

2. Exclusive Farm Use (EFU-40), Section 4.030.

Permitted Uses: Same as EFU-320.

Conditional Uses: Same as EFU-320 Uses with the exception of (c) and (m); and 1) land fills when written approval of state is submitted with application; 2) homestead retention same as in EFU-320, but with a minimum parcel restriction of only 40 acres.

Minimum Lot Size: 40 acres - minimum lot area for all nonfarm uses shall not be less than one acre - minimum lot width, 100 feet, minimum street frontage, 50 feet.

3. Exclusive Farm Use (EFU-20), Section 4.040.

Permitted Uses: Same as EFU-320.

Conditional Uses: Same as EFU-320 Uses with the exception of (c) - homestead retention same as in EFU-320, but with a minimum parcel restriction of only 20 acres.

Minimum Lot Size: 20 acres - other minimums same as EFU-320.

4. Multiple Use Agricultural Zone (MUA), Section 4.060.

Permitted Uses: a) same as EFU-320; b) single family dwellings; c) mobile homes as regulated.

Conditional Uses: a) public use; b) semi-public use; c) commercial activities in conjunction with farm use; d) dude ranch; e) kennel or animal hospital; f) guest house; g) mobile home as a secondary accessory farm dwelling as regulated; h) operations conducted for exploration, mining, and processing of geothermal resources or mining mineral resources for personal on-site use; i) private parks, playgrounds, hunting, and fishing preserves, campgrounds, motorcycle tracks, rodeo or livestock arenas, and other recreational uses; j) personal use landing strips, k) golf courses; l) home occupations with same restrictions as EFU-320; m) portable or temporary facility for the primary processing of forest products with same restrictions as in EFU-320; n) nonfarm related single-width mobile homes as regulated; o) destination resorts; p) planned developments; q) cluster developments; r) landfills, when written approval of state is submitted with application .

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

DESCHUTES COUNTY, OREGON - Continued

Minimum Lot Size: 10 acres, with exceptions for planned and cluster developments - minimum lot width, 100 feet; minimum street frontage, 50 feet.

- B. Experience: Too early to evaluate results of program.
- C. Other Programs: Deferred taxation; right to farm; and state-wide planning and zoning requirement.
- D. For Additional Information: Deschutes County Courthouse Annex, Bend, Oregon 97701. Tel: (503) 382-4000.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

DOUGLAS COUNTY, OREGON

Adjacent SMSA County

Population '78: 89,050	Total land area: 2,315 sq. mi.
Pop'n change '70-'78: 24.1%	Land in farms '78: 454,198 ac. (30.6%)
Pop'n per sq. mi. '78: 38.5	Harvested cropland '78: 44,751 ac. (3%)
Importance of Agric. ('77)	Prime farmland '67: 2.2%
6% employed residents	Farms less than 50 ac. ('78): 34%
1% personal income	Mkt. value prod. per ac. ('78): \$42

A. Description of Program

Zoning and Land Use Ordinance for Douglas County, adopted 1979.

1. Exclusive Farm Use (EFU), Section 3.000 of the Zoning Ordinance.

Permitted Uses: 1) farm uses; 2) forest management; 3) churches; 4) single family dwellings and other buildings customary with farm use; 5) public and private schools; 6) public service utility facilities except commercial generating facilities.

Conditional Uses: 1) single family residential dwelling not in conjunction with farm use provided: a) the dwelling is compatible with farm uses described in ORS, 215.203 (2), and the purpose and intent set forth in ORS 215.243; b) does not interfere seriously with accepted farming practices; c) does not materially alter the stability of the overall land use pattern of the area; d) is situated upon land generally unsuitable for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of tract and; e) complies with other conditions the Hearings Officer considers necessary; 2) commercial activities in conjunction with farm use; 3) operations conducted for exploration, mining and processing of geothermal resources; 4) operations conducted for exploration, mining, and processing of aggregate and other mineral resources or other subsurface resources; 5) private parks, playgrounds, hunting and fishing preserves and campgrounds; 6) parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit organization; 7) golf courses; 8) commercial utility generating facilities; 9) personal-use airports; 10) home occupations; 11) portable or temporary facility for the primary processing of forest products; 12) public stable.

Minimum Lot Size: Grazing land - 200 acres; agricultural crop land - 50 acres.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

DOUGLAS COUNTY, OREGON - Continued

2. Forest Farmland (FF-38), Section 4.000 of the Zoning Ordinance.

Permitted Uses: 1) forest management; 2) farm use; 3) quarry, gravel pit, and mining, including the crushing, screening, and washing of extracted materials; 4) fish and wildlife management; 5) the development of water impoundments and canals; 6) publicly owned parks, playgrounds, campgrounds, boating facilities, lodges, camps, and other such recreational facilities; 7) fire prevention detection and suppression facilities; 8) nursery for the growing, sale, and display of trees, shrubs and flowers; 9) public and semi-public buildings, structures, and uses essential to the physical, social, and economic welfare of the area; 10) single-family dwellings customarily provided with a use permitted in this classification, providing residence for the landowner, an immediate family member or employee; 11) home occupations.

Conditional Uses: 1) private parks, playgrounds, boating facilities, lodges, camps, and other recreational facilities; 2) solid waste transfer and disposal sites; 3) the placement of hydroelectric, solar, wind or geothermal generation facilities, transmission lines or pipes, substations, and communication facilities; 4) additional single-family dwellings customarily provided in conjunction with a use permitted in this classification, providing residence for an immediate family member or employee where the minimum average density of 38 acres per dwelling is exceeded; 5) landing strips in conjunction with a permitted use; 6) forest products processing facilities; 7) kennel; 8) limited maintenance and repair; 9) public stables; 10) commercial storage of explosives; 11) feed lot; 12) cemetery.

Minimum Lot Size: None - minimum parcel size for a building permit is 38 acres.

3. General Agriculture (AG-38), Section 5.

Permitted Uses: Same as FF-38 uses (1) through (11), and roadside stand and other similar commercial activities that are in conjunction with farm use.

Conditional Uses: Same as FF-38 uses (1) through (12).

Minimum Lot Size: None - minimum parcel size for a building permit is 38 acres.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

DOUGLAS COUNTY, OREGON - Continued

- B. Experience: The ordinance is presently being challenged in court. Planners are satisfied with ordinance.
- C. Other Programs: 1) deferred taxation; 2) right to farm; and 3) statewide planning and zoning requirements.
- D. For Additional Information: 205 S.E. Jackson, Roseburg, Oregon 97470. Tel: (503) 672-3311.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

GILLIAM COUNTY, OREGON

Non-SMSA County

Population '78: 2,152
Pop'n change '70-'78: -4.8%
Pop'n per sq. mi. '78: 1.95
Importance of Agric. ('77)
43% employed residents
n/a personal income

Total land area: 1,102 sq. mi.
Land in farms '78: 696,875 ac. (98.8%)
Harvested cropland '78: 133,972 ac. (19%)
Prime farmland '67: 2%
Farms less than 50 ac. ('78): 8%
Mkt. value prod. per ac. ('78): \$23

A. Description of Program

Gilliam County Comprehensive Land Use Plan, 1977.

Exclusive Farm Use Zone (EFU), Article 4, Section 4.010.

Permitted Uses: Farm use as defined in ORS 215.203; public or private schools; churches; propagation or harvesting of a forest product; utility facilities necessary for public service except commercial facilities for the purpose of generating power for public use by sale; dwelling and other buildings customarily provided in conjunction with farm use.

Conditional Uses: Commercial activities that are in conjunction with farm use; operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources; private parks, playgrounds, hunting and fishing preserves and campgrounds; parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization; golf courses; commercial utility facilities for the purpose of generating power for public use by sale; single family residential dwellings not provided in conjunction with farm use.

Minimum Lot Size: 100 acres.

B. Experience: Planners report satisfaction with program. Approximately 95% of land is zoned (EFU).

C. Other Programs: 1) deferred taxes; 2) right to farm; 3) statewide planning and zoning requirements.

D. For Additional Information: County Planner, Post Office Box 427, Condon, Oregon 97823. Tel: (503) 384-2311.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

MULTNOMAH COUNTY, OREGON

SMSA COUNTY

Population '78: 523,713

Total land area: 300 sq. mi.

Pop'n change '70-'78: -5.9%

Land in farms '78: 42,801 ac. (22.3%)

Pop'n per sq. mi. '78: 1746.7

Harvested cropland '78: 14,885 ac. (7.8%)

Importance of Agric. ('77)

Prime farmland '67: 18.3%

0.5% employed residents

Farms less than 50 ac. ('78): 73%

0.3% personal income

Mkt. value prod. per ac. ('78): \$571

A. Description of Program

Multnomah County Comprehensive Plan, adopted 1977.

Multnomah County Zoning Ordinance, adopted 1977.

1. Exclusive Farm Use District (EFU-38), Chapter 3.10 of the Zoning Ordinance.

Permitted Uses: 1) farm use, as defined in ORS 215.203 (2) for the following purposes only - 1) raising and harvesting of crops; 2) feeding, breeding, managing, and selling of livestock; 3) dairying; or 4) any other agricultural or horticultural purpose or animal husbandry purpose; b) the propagation or harvesting of forest products; c) residential use in conjunction with farm use, consisting of a single family dwelling constructed on a lot.

Conditional Uses: 1) public or private schools; 2) churches; utility facilities including those for the purpose of generating power; 4) operations for the exploration of geothermal resources as defined in ORS 522.005; 5) private parks, playgrounds, hunting and fishing preserves and campgrounds; 6) parks, playgrounds, or community centers owned and operated by a governmental agency or nonprofit community organization; 7) golf courses; 8) commercial activities that are in conjunction with farm use; 9) operations conducted for the mining and processing of geothermal resources or exploration, mining, and processing of aggregate and other mineral resources or other subsurface resources; 10) residential use not in conjunction with farm use, consisting of a single family dwelling, including a mobile home or modular home, upon a finding that - a) the dwelling is compatible with farm uses; b) does not interfere seriously with accepted farming practices; c) does not materially alter the stability of the overall land use pattern of the area; d) is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract; e) complies with such other conditions as

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

MULTNOMAH COUNTY, OREGON - Continued

the Council considers necessary; 11) raising any type of fowl, or processing the by-products thereof, for sale at wholesale or retail; 12) feed lots; 13) raising of four or more swine over three months of age; 14) raising of fur-bearing animals for sale at wholesale or retail; 15) home occupations; 16) facilities for the primary processing of forest products; 16) horse boarding.

Minimum Lot Size: 38 acres - minimum front lot line, 50 feet.

2. Agricultural District (F-2), Chapter 3.12 of the Zoning Ordinance.

Permitted Uses: 1) a single family dwelling constructed on the site and for which a building permit is required; 2) farm uses; 3) management, propagation and harvesting of forest products.

Conditional Uses: 1) a single family dwelling constructed off-site, moved to a lot in this district, including mobile and modular homes; 2) a dwelling on the same lot with a permitted residence, for the housing of help required to carry out farm or forestry uses; 3) temporary structures or uses; 4) raising any type of fowl or processing the by-products thereof, for sale at wholesale or retail; 5) raising cattle, horses, sheep or goats maintained in close quarters for the purpose of fattening for shipment to market; 6) raising swine; 7) raising fur bearing animals.

Minimum Lot Size: 20 acres - agricultural district; 38 acres - forest district; 2-4 acres - nonfarm/nonforest.

3. Multiple Use Agricultural District (MUA-20), Chapter 3.13 of the Zoning Ordinance.

Permitted Uses: 1) farm uses, as defined in ORS 215.203 (2) for the following purposes only - raising and harvesting of crops, raising of livestock and honeybees, any other agricultural or horticultural purpose or animal husbandry purpose; 2) the propagation or harvesting of forest products; 3) residential use consisting of a single family dwelling constructed on a lot; 4) public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources. (Also under certain conditions - a) residential use, consisting of a single family dwelling constructed off-site, including a mobile home or modular home; b) residential use consisting of a single-family dwelling, for the housing of help required to carry out a permitted use; c) wholesale or retail sales of farm or forest products raised or grown on the premises.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

MULTNOMAH COUNTY, OREGON - Continued

Conditional Uses: 1) Community services uses; 2) operations conducted for the mining and processing of geothermal resources or exploration, mining and processing of aggregate and other mineral or subsurface resources; 3) commercial processing of agricultural products, primarily raising or grown in the region; 4) raising any type of fowl, or processing the by-products thereof, for sale at wholesale or retail; 5) feed lots; 6) raising of four or more swine over four months of age; 7) raising of fur-bearing animals for sale at wholesale or retail; 8) commercial dog kennels - on lands not classified Class I,II, or III soils: a) rural planned developments; b)cottage industries; c) limited rural commercial uses; 4) tourist commercial use.

Minimum Lot Size: 20 acres with a minimum front lot line of 50 feet.

- B. Experience: Planners report the program is very effective.
- C. Other Programs: 1) Deferred taxation; 2) right to farm; 3) statewide planning and zoning requirements.
- D. For Additional Information: Planning Department, 2115 South East Morrison, Portland, Oregon 97214. Tel: (503) 248-3511.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

SHERMAN COUNTY, OREGON

Non-SMSA County

Population '78: 1,742	Total land area: 760 sq. mi.
Pop'n change '70-'78: -18.8%	Land in farms '78: 463,415 ac. (95.3%)
Pop'n per sq. mi. '78: 2.3	Harvested cropland '78: 138,108 ac. (28.4%)
Importance of Agric. ('77)	Prime farmland '67: 18.3%
39% employed residents	Farms less than 50 ac. ('78): 8%
36% personal income	Mkt. value prod. per ac. ('78): \$30

A. Description of Program

Sherman County Comprehensive Plan, adopted 1968, amended 1979.

Sherman County Zoning Ordinance, adopted 1968, amended 1979.

1. Exclusive Farm Use Zone (F-1), Section 3.000 of the Zoning Ordinance.

Permitted Uses: 1) farm use; 2) single-family dwellings and accessory buildings customary to farm use; 3) public service utility facilities, except commercial generating facilities.

Conditional Uses: 1) commercial activities that are in conjunction with farm use; 2) public service utility facilities; 3) operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources; 4) parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization; 5) private parks, playgrounds, hunting and fishing preserves, and campgrounds; 6) nonfarm single family dwellings; 7) personal use airports; 8) home occupations carried on by the resident as an accessory use within a dwelling or other building customary to farm use.

Minimum Lot Size: 40 acres.

2. Exclusive Farm Use Zone (F-2), Section 3.100 of the Zoning Ordinance.

Permitted Uses: 1) uses permitted in an F-1 Zone; 2) public or private schools; 3) churches.

Conditional Uses: 1) commercial activities in conjunction with farm use; 2) private parks, playgrounds, hunting and fishing preserves and campgrounds; 3) parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization; 4) golf courses; 5) public service utility facilities; 6) home occupations; 7) single

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

SHERMAN COUNTY, OREGON - Continued

family dwellings; 8) livestock feeding yards; 9) livestock sales yards; 10) personal use airports.

Minimum Lot Size: 10 acres.

- B. Experience: Planners report no development pressure in County.
- C. Other Programs: 1) deferred taxation; 2) statewide planning and zoning requirements; 2) right to farm.
- D. For Additional Information: 409 Lincoln, The Dalles, Oregon 97058. Tel: (503) 565-3606.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WALLOWA COUNTY, OREGON

Non-SMSA COUNTY

Population '78: 7,159
Pop'n change '70-'78: 14.6%
Pop'n per sq. mi. '78: 5.24
Importance of Agric. ('77)
28% employed residents
14% personal income

Total land area: 1,365 sq. mi.
Land in farms '78: 769,998 ac. (88%)
Harvested cropland '78: 71,076 ac. (8.1%)
Prime farmland '67: 2.3
Farms less than 50 ac. ('78): 20%
Mkt. value prod. per ac. ('78): \$25

A. Description of Program

Wallowa County Comprehensive Plan, adopted 1977.

Walloha County Zoning Ordinance, adopted 1977.

Exclusive Farm Use Zone (EFU), Article III.

Permitted Uses: Schools; churches; harvesting forest products; utility facilities; dwellings and other buildings if the farm has the required 160 acres; geothermal resources.

Conditional Uses: farm use commercial activities; mining; private hunting and fishing preserves; parks, playgrounds, community center - government; golf courses; utilities; airports; home occupation - farm use; forest products processors; boarding horses for profit; single family dwellings not in conjunction with farm use.

Minimum Lot Size: None. 160 acres is automatically considered exclusive farm use.

B. Experience: Planners report satisfaction with the program. This ordinance is one of the few in the state that has been acknowledged by Land Conservation and Development Commission.

C. Other Programs: 1) Deferred taxation; 2) right to farm; 3) statewide planning and zoning requirements.

D. For Additional Information: Planning Department, Wallowa County Courthouse, Enterprise, Oregon 97828. Tel: (503) 426-3048.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WASHINGTON COUNTY, OREGON

SMSA COUNTY

Population '78: 216,055

Total land area: 695 sq. mi.

Pop'n change '70-'78: 36.8%

Land in farms '78: 152,729 ac. (34%)

Pop'n per sq. mi. '78: 311

Harvested cropland '78: 88,581 ac. (20%)

Importance of Agric. ('77)

Prime farmland '67: 22.6%

5% employed residents

Farms less than 50 ac. ('78): 59%

3% personal income

Mkt. value prod. per ac. ('78): \$332

A. Description of Program

Washington County Comprehensive Plan, adopted 1973.

Washington County Zoning Ordinance, adopted 1973.

General Farm Use - 38 (GFU-38), Article II.

Permitted Uses: Farm uses; forest uses; single family homes which are customarily provided in conjunction with farm use; customary accessory uses.

Conditional Uses: Public and private schools; churches; utility facilities; signs; mobile homes.

Minimum Lot Size: 38 acres.

B. Experience: Planners report satisfaction with program.

C. Other Programs: 1) Deferred taxation; 2) right to farm; 3) statewide zoning and planning requirements.

D. For Additional Information: Planning Department, 150 North First Street, Hillsboro, Oregon 97123. Tel: (503) 648-8761.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

YAMHILL COUNTY, OREGON

Adjacent SMSA County

Population '78: 49,744
Pop'n change '70-'78: 23.6%
Pop'n per sq. mi. '78: 81.6
Importance of Agric. ('77)
15% employed residents
10% personal income

Total land area: 610 sq. mi.
Land in farms '78: 195,248 ac. (50%)
Harvested cropland '78: 100,130 ac. (25.7%)
Prime farmland '67: 21.5%
Farms less than 50 ac. ('78): 55%
Mkt. value prod. per ac. ('78): \$232

A. Description of Program

Yamhill County Comprehensive Plan, adopted 1974, amendments being considered.

1. Exclusive Farm Use District (EF-40), Section 11 of the Zoning Ordinance.

Permitted Uses: 1) agriculture; 2) propagation and harvesting of a forest product; 3) single-family dwelling or mobile home for farm owners or operators in conjunction with farm use; 4) farm laborers cabin; 5) livestock feeding yard; 6) signs; 7) public warehouses as exempted from ORS 586.210 to 586.561.

Conditional Uses: 1) municipal water supply, treatment, storage or transmission facility; 2) community water supply system; 3) guest house; 4) mobile home; 5) temporary structures; 6) home occupation; 7) operation for the exploration of geothermal resource; 8) commercial activity in conjunction with farm use; 9) horse boarding; 10) personal use airports; 11) single-family dwelling not in conjunction with farm use subject to ORS 215.213 (3); 12) utility facility in conjunction with permitted use; 13) separation from a larger parcel of a lot that is divided by a road or other feature; 14) mineral resource sites.

Minimum Lot Size: For newly created lot - 40 acres; for agriculture or forest products - none; for single-family dwelling - 20 acres.

2. Agriculture/Forestry Land Holding District (AF-20), Section 12 of the Zoning Ordinance.

Permitted Uses: Same as EF-40.

Conditional Uses: Same as EF-40.

Minimum Lot Size: For newly created lots - 20 acres; for agriculture or forestry - none; for single family dwelling - 20 acres.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

YAMHILL COUNTY, OREGON - Continued

- B. Experience: Planners report that county is already well developed. Remaining agricultural land is being protected.
- C. Other Programs: Deferred taxation; right to farm; statewide planning and zoning requirements.
- D. For Additional Information: Planning Department, Yamhill County Courthouse, McMinnville, Oregon 97128.
Tel: (503) 472-9371.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

HEIDELBERG, TOWNSHIP, Berks Co., Pa.

In Reading SMSA

Population '78: 1,514
Pop'n change '70-'78: + 19.9%
Pop'n per sq. mi. '78: 109

A. Description of Program

Township Zoning Ordinance Sect. 401 adopted 1974.

Designation: All land within the AP (Agricultural Preservation) District is considered Prime Agricultural Land which contains soils classified as having either a corn, oats, wheat, barley, potatoes, or hay productivity rating equal to or greater than 100% of standard under improved management (see pages 13-20 of the Soil Survey, Berks County, Pa.).

Permitted uses on Prime Agricultural Land: agriculture, horticulture, animal husbandry (except intensive agricultural uses), nurseries, greenhouses, forestry, roadside stands for sale of farm products grown on the premises, home occupations, one single family farm dwelling if farm is a minimum of 50 acres, conversion of single-family detached dwelling to a dwelling for two farm-employed families if farm is a minimum of 50 acres.

Permitted uses on land in AP District not designated Prime Agricultural Land: all uses for prime agricultural land, plus single-family dwellings.

Uses on Prime Agricultural Land permitted with Zoning Board approval: Intensive agricultural activities, accessory uses not on same lot with permitted principal use.

Uses on Non-Prime Agricultural Land permitted with zoning Board approval: All for prime agricultural land plus farm related businesses conducted on a farm by the proprietor of the farm, churches, schools, cemeteries.

B. Experience: With little controversy the ordinance was passed in 1974 by the planning commission, which had two or three farmers out of a total membership of about seven, and by the Board of Supervisors, which consisted of one farmer, one businessman, and one school teacher. No rezonings or variances have been granted on the Prime Agricultural Land, but one or two variances for individual single-family houses have been granted per year on non-prime land. In the Township, as a whole, ten new dwellings were built in 1979, and an average of eight-ten in recent years.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

HEIDELBERG TOWNSHIP - continued

C. Other Programs: Differential Assessment: Deferred Taxation (Pa.)

D. For Additional Information: Township Secretary, Heidelberg
Township, Berks Co., Pa.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE LOT

LOWER HEIDELBERG TOWNSHIP, Berks Co., Pa.

In Reading SMSA

Population '77: 1,513

Pop'n change '70-'77: - 5.0%

A. Description of Program:

Township Zoning Ordinance, Art. V 500-505, adopted 1973.

Permitted Uses: Agricultural uses, display and sale of farm products of which at least 50 percent were produced on the property, processing of farm products grown on the property, woodland or game preserve, wildlife sanctuary, single family detached dwelling located on a farm, residential accessory use.

Conditional Uses: Home occupations, single family detached dwellings on parcels of 40 or more acres.

Minimum Lot Size: 40 acres.

B. Experience: The Agricultural District covers about 2,500 acres, which is all of the actively used farmland in the township. No rezonings have occurred in the District and there have been no court challenges. A couple of variances for single lots have been granted. Since the District was established there has been little development pressure in the Township, but the construction of the Blue Marsh Dam and Reservoir has removed about 20 percent of the farmland in the Township and about one-half of the smaller farms.

C. Other Programs: Differential Assessment: Deferred Taxation (Pa.)

D. For Additional Information: Township Secretary, Tel.: (215) 678-3393.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

BROOKINGS COUNTY, SOUTH DAKOTA

Non-SMSA County

Population '78: 22,537	Total land area: 795 sq. mi.
Pop'n change '70-'78: 1.7%	Land in farms '78: 467,060 ac. (92%)
Pop'n per sq. mi. '78: 28.35	Harvested cropland '78: 295,732 ac. (58%)
Importance of Agric. ('77)	Prime farmland '67: 64%
15% employed residents	Farms less than 50 ac. ('78): 13%
16% personal income	Mkt. value prod. per ac. ('78): \$112

A. Description of Program

Brookings County Zoning Regulation, 1976.

Agricultural District (a), Section 1101.

Permitted Uses: Animal husbandry service; field crops and grass land; fisheries services; game propagation areas; government grain storage sites; horticultural services; institution farms; livestock and poultry farms; orchards and tree farms; public parks and recreation areas; truck gardening; botanical gardens; single family residences including mobile homes; veterinarians offices and animal offices; schools; single family residences on less than thirty-five acre lots, provided that such residences are on either established farm building sites or established school building sites, and further provided that the proposed site has established road access and clearly delineated boundaries; single family residences on less than thirty-five acre lots, provided that said residences are exclusively used as secondary residences in connection with an existing farming operation.

Special Permitted Uses: Airports and airstrips; cemeteries; commercial public entertainments enterprises not normally accommodated in commercial areas; extractive or mining and storage of materials; private clubs; sanitary land fill dumping grounds; sewage treatment plants; commercial livestock feed lots, poultry and fur farms and dog kennels; stables; "hot mix" or asphalt plants; one mobile home on an established farmstead to be used for the occupancy of parents, grandparents, and children, or brothers or sisters, or the occupant of the land; water pumping station, elevated tanks and similiar essential public utilities and service structures.

Minimum Lot Size: 35 acres.

B. Experience: The agricultural district governs roughly 90% of the County land area. Planners report that the district has deterred development of small residential lots in the district, but that subdivision activity in the district is on-going, subverting the district intent.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

BROOKINGS COUNTY, SOUTH DAKOTA - Continued

- C. Other Programs: Preferential assessment.
- D. For Additional Information: First Planning and Development District, 124 First Avenue, N. W., Post Office Box 1207, Watertown, South Dakota 57201. Tel: (605) 886-7224.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

KITTITAS COUNTY, WASHINGTON

Adjacent SMSA County

Population '78: 24,997	Total land area: 1,529 sq. mi.
Pop'n change '70-'78: -0.2%	Land in farms '78: 426,086 ac. (44%)
Pop'n per sq. mi. '78: 16.3	Harvested cropland '78: 52,997 ac. (5.4%)
Importance of Agric. ('77)	Prime farmland '67: 6.2%
11% employed residents	Farms less than 50 ac. ('78): 34%
3% personal income	Mkt. value prod. per ac. ('78): \$83

A. Description of Program

Comprehensive Land Use Plan, adopted 1972

Kittitas County Zoning Ordinance, adopted 1973, revised 1980.

Agricultural Zone (A-20), Section 10.06.

Permitted Uses: any use permitted in the residential or suburban zone; agriculture, livestock, poultry, hog raising, and other customary agriculture uses traditionally found in Kittitas County, provided that such operation shall comply with all state and/or county health regulations; community club houses; golf courses; parks and playgrounds; public utility buildings, pumping plants, substations; commercial greenhouses; roadside stands for the display and sale of fruits and vegetables raised or grown on the premises; existing cemeteries; airports; processing of products produced on premises; mobile home, not including trailer houses; forestry, including the management, growing and harvesting forest products and including the processing of locally harvested forest crops; home occupations; uses that are customarily incidental to any of the above uses.

Conditional Uses: Any conditional use permitted in suburban zone except apartments; crematorium or mausoleums; feed mills; canneries, processing plants for agricultural products; kennels; livestock yards; sand and gravel excavation; stone quarries; temporary offices and warehouses of contractor engaged in construction; veterinary office and animal hospitals; golf courses; amusement parks; auction sales for personal property other than livestock.

Minimum Lot Size: 20 acres.

B. Experience: Not enough time has passed to evaluate effectiveness of ordinance. Approximately 10% of County is covered by (A-20) Zoning.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

KITTITAS COUNTY, WASHINGTON - Continued

- C. Other Programs: State of Washington "1970 Open Space Taxation Act".
- D. For Additional Information: Planning Director, Kittitas County Courthouse, Ellensburg, Washington 98926. Tel: (509) 925-4631.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

SKAGIT COUNTY, WASHINGTON

Adjacent SMSA County

Population '78: 58,645

Total land area: 1,200 sq. mi.

Pop'n change '70-'78: 12.0%

Land in farms '78: 105,721 ac. (13.8%)

Pop'n per sq. mi. '78: 48.9

Harvested cropland '78: 67,251 ac. (5.8%)

Importance of Agric. ('77)

Prime farmland '67: 9.7%

11% employed residents

Farms less than 50 ac. ('78): 49%

9% personal income

Mkt. value prod. per ac. ('78): \$590

A. Description of Program

Skagit County Zoning Ordinance, adopted 1973, amended 1979.

1. Agricultural District (A), Chapter 14.04.110 of the Zoning Ordinance.

The purpose of the Agricultural District is to establish and preserve land set aside for production of crops, live-stock, or agricultural products requiring large areas of land. Agricultural land is recognized as a valuable resource. The intent of this district is to restrict residential and commercial development on land suited for agriculture, to preserve the open space character of the agriculture land, and to minimize damage from flooding in agricultural districts.

Permitted Uses: Agriculture; farming; dairying; pasturage; apiculture; horticulture; floriculture; animal and poultry husbandry; cultivation, management and harvest of any forest crop.

Accessory Uses: Single family dwellings; accessory buildings.

Conditional Uses: Home occupations.

Special Uses: (with special use permit) private airstrip; retail nurseries and greenhouses; concentrated animal feeding operations; housing for farm workers employed on premises including seasonal migrants; temporary, seasonal, operated stands for sale of locally grown, unprocessed food and flowers.

Minimum Lot Size: 40 acres, with a minimum lot width of 200 feet.

2. Rural District (RR), Chapter 14.04.10 of the Zoning Ordinance.

The purpose of this district is to provide for low density development and to preserve the open space character of the

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

SKAGIT COUNTY, WASHINGTON - Continued

land in those areas that are not considered as major resource areas (agriculture, timber), but are so situated that they provide limited agricultural/timber resource value.

Permitted Uses: Single family residential dwellings; agricultural crops, pasture and grazing, tree farms; cultivation, management and harvest of any forest crop.

Accessory Uses: Those permitted in residential district and accessory agricultural structures.

Contiditional Uses: Home occupations.

Minimum Lot Size: 5 acres with minimum width of 200 feet.

- B. Experience: Very effective in keeping land in agricultural use.
- C. Other Programs: State of Washington "1970 Open Space Taxation Act".
- D. For Additional Information: Planning Director, Skagit County Planning Department, Room 218, County Administration Building, Mount Vernon, Washington 98273. Tel: (206) 336-9300.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WHATCOM COUNTY, WASHINGTON

Non-SMSA County

Population '78: 96,752
Pop'n change '70-'78: 18%
Pop'n per sq. mi. '78: 128.1
Importance of Agric. ('77)
7% employed residents
6% personal income

Total land area: 755 sq. mi.
Land in farms '78: 125,236 ac. (25.9%)
Harvested cropland '78: 67,579 (14%)
Prime farmland '67: 9%
Farms less than 50 ac. ('78): 47%
Mkt. value prod. per ac. ('78): \$750

A. Description of Program

Whatcom County Zoning Ordinance, adopted 1978.

1. Agricultural District (AG), Section 270, Chapter 2.24.270 of the Zoning Ordinance.

The purpose of the agricultural district is to: Protect agriculture and preserve agricultural lands from urban encroachment; maintain sufficient scale of agriculture to assure economic feasibility of necessary supporting services to the agricultural sector; insure that residential and commercial development is accessory to agricultural use of land; prevent problems of excessive taxation resulting from a shifting to farm taxpayers of development and public service costs; discourage division of agricultural land and preserve open space surrounding urban communities.

Permitted Uses: Cultivation, management, and harvest of field, tree, vine, shrub, greenhouse crops, including processing of locally harvested crops using temporary, portable equipment; dairying, raising of livestock, animal husbandry; beekeeping and mushrooms.

Accessory Uses: Uses ancillary to normal operation of permitted uses; one single-family detached dwelling; additional single-family dwellings occupied by persons and families engaged in ownership or operation of farm; additional single-family dwellings for a retiring farm owner; retail selling of agricultural products grown within the County by the operator; public outdoor recreation; home occupations.

Conditional Uses: Additional single-family dwellings with approval of Hearing Examiner (who shall determine that the burden to the applicant by denying a residential use on the parcel is greater than the benefit to the public by retaining the parcel for agriculture); fire halls, water works; community clubs, churches, schools; animal hospitals, kennels, stables; housing or camping facilities to accommodate seasonal agriculture employees; aircraft landing strips; marketing of

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WHATCOM COUNTY, WASHINGTON - Continued

agricultural products; fish farms, aquaculture-mariculture; home occupations; outdoor recreational uses (except noise polluters); public utilities; processing of agricultural and forest products if appropriate.

Minimum Lot Size: 40 acres with minimum width of 600 feet. Farmstead for retiring landowner (legal residence for no less than 5 years) may be from one to five acres.

- B. Experience: 65,000 acres are presently covered by the Agricultural District (AG).
- C. Other Programs: The State offers a taxbreak through differential assessment ("The Open Space Taxation Act, 1970").
- D. For Additional Information: Whatcom County Planning Department, 401 Grand Avenue, Bellingham, Washington 98225.
Tel: (206) 676-6700.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

BARRON COUNTY, WISCONSIN

Non-SMSA County

Population '78: 37,541
Pop'n change '70-'78: 10.6%
Pop'n per sq. mi. '78: 43.5
Importance of Agric. ('77)
19% employed residents
16% personal income

Total land area: 864 sq. mi.
Land in farms '78: 393,084 ac. (71%)
Harvested cropland '78: 203,201 ac. (37%)
Prime farmland '67: 43.1%
Farms less than 50 ac. ('78): 10%
Mkt. value prod. per ac. ('78): \$236

A. Description of Program

Barron County Land Use Ordinance, adopted 1976, amended 1978.

1. Agricultural Lands District (A-1), Section 2.1 of the Zoning Ordinance.

Permitted Uses: a) Farming uses: 1) dairying; 2) beekeeping; 3) floriculture, 4) forest management; 5) game management; 6) grazing; 7) greenhouses, nurseries; 8) livestock raising and feed lots; 9) orchards; 10) poultry raising, when the operation involves 7,500 or fewer birds; 11) raising of grain, grass, mint, and seed crops; 12) raising of tree fruits, nuts, and berries; 13) roadside stands; 14) sawmills, temporary and short-term; 15) sod farming; 16) stables; 17) vegetable raising, except vegetable raising operations which employ mechanized irrigation techniques.

b) Farm related housing: 1) single family dwellings, including mobile homes occupied by persons or families connected with the farm operation. Only one such dwelling is allowed as a permitted use for each farm operation; 2) residential occupancy of dwellings which were originally used for farm related housing; 3) garages and other structures or uses accessory to the housing use permitted above, or to other housing uses permitted by special exception.

c) Other uses: 1) telephone poles and lines; 2) local service power transmission lines and poles; 3) piers, docks, and boathouses; 4) cemeteries (existing or expansions of existing); 5) mineral extractions, type I.

Conditional Uses: 1) Agriculturally related uses: a) animal waste storage systems when permanent and when located within 500 feet of the residence of someone other than the owner of the system. Systems must meet all Soil and Water Conservation District standards; 2) commercial egg production and commercial processing of poultry products; 3) feedlots, when 250 or more animals are involved and when the feedlot is within 500 feet of and drains toward a navigable water body or within 500 feet of the residence of someone other than the feed lot owner; 4) fur farms; 5) livestock sale barns; 6) poultry raising when the operation involves in excess of 7,500

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

BARRON COUNTY, WISCONSIN - Continued

birds; 7) vegetable raising operations which employ mechanized irrigation techniques; 8) veterinary services and animal hospitals; 9) agricultural related supply, manufacturing, warehousing, and marketing uses.

b) Farm related housing uses: 1) dwelling units, including mobile homes exceeding one per farm operation for occupancy by persons connected with the farm operation; 2) seasonal housing for migrant farm workers; 3) residential occupancy of new single family dwellings, including mobile homes, established on building sites which had previously been used for farm related housing.

3) Other uses: 1) airports, public or private; 2) cemeteries, new; 3) churches, schools, public or private; 4) dams, power plants, flowages; 5) dumping grounds and land fills; 6) junk or salvage yards; 7) kennels; 8) mineral extraction, Type III; 9) power transmission poles, towers and lines for nonlocal service purposes, radio, and television towers, microwave towers, and similar facilities and appurtenant equipment; 10) railroad rights of way and appurtenant structures; 11) sawmills, except those allowed under permitted uses; 12) sewage disposal lagoons, plants and facilities, public or private; 13) shooting ranges; 14) slaughterhouses.

Minimum Lot Size: 40 acres.

2. Agricultural-Residential District (AR), Section 2.10 of the Zoning Ordinance.

Permitted Uses: Uses permitted in the (A) District.

Conditional Uses: 1) Conditional uses permitted in the (A) District; 2) Single family dwellings, including mobile homes, occupied by persons not connected with a farm operation - subject to the standards listed elsewhere in this ordinance; 3) ski hills, race tracks, and drag strips.

Location Standards: 1) The site proposed for the use must not be tillable or otherwise suited to agricultural production; 2) the soil characteristics of the site must be suited to residential use; 3) the public service demands which the proposed use will cause in the location for which a permit is requested must not be unreasonable.

Minimum Lot Size: 5 acres.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

BARRON COUNTY, WISCONSIN - Continued

- B. Experience: Planners report satisfaction with program.
10 of 25 townships have adopted agricultural zoning.
- C. Other Programs: Tax credit-relief offered through Wisconsin Farmland Preservation Act.
- D. For Additional Information: County Planner, Room 306, Barron County Courthouse, Barron, Wisconsin 54812.
Tel: (715) 537-5566.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

COLUMBIA COUNTY, WISCONSIN

ADJACENT SMSA COUNTY

Population '78: 42,458
Pop'n change '70-'78: 5.7%
Pop'n per sq. mi. '78: 54.8
Importance of Agric. ('77)
17% employed residents
21% personal income

Total land area: 774 sq. mi.
Land in farms '78: 372,591 ac. (75%)
Harvested cropland '78: 245,106 ac. (49%)
Prime farmland '67: 34.8%
Farms less than 50 ac. ('78): 19%
Mkt. value prod. per ac. ('78): \$234

A. Description of Program

Columbia County Zoning Ordinance, amended 1978.

Agricultural Preservation Plan, adopted 1978.

1. Agricultural District, Chapter 11.04 of the Zoning Ordinance

Permitted Uses: 1) General farming, including: bee keeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming; and vegetable raising. (No structures housing or feeding livestock or poultry to be within 100 feet of residential district.) 2) Not to exceed two single family residences or one two family residence when the occupant or head of the occupant household of such unit is employed in connection with the farm operation. 3) Not to exceed one house trailer or mobile home on any operating farm when the occupant or head of the occupant household of such house trailer or mobile home is employed in connection with the farm operation. 4) Telephone, telegraph, and power distribution towers, poles, and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities. 5) Road side stands, temporary, less than 300 sq. ft. and used solely for the sale of farm products produced on the premises. 6) Residential units when created through farm consolidation.

Conditional Uses: 1) Aircraft landing field, basins, and hangers. 2) Extraction of sand, gravel, and the quarrying of limestone and other rock and aggregate, and the processing of such materials incidental to such extraction, including the erection of buildings and the installation of necessary machinery and equipment incidental thereto, including the storage of cement, asphalt, or road oils or the mixing of concrete or blacktop or related materials. 3) Dams, power plants, flowage areas. 4) Air quality monitoring stations. 5) Radio and television transmission towers, microwave and radio relay towers. 6) Medical, correctional or charitable

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

COLUMBIA COUNTY, WISCONSIN - Continued

institutions. 7) Migrant labor camps, which meet local and states codes for housing and sanitation and other requirements of this ordinance. 8) Real estate, insurance, seed, fertilizer, or other sales offices, only when incidental to the principal use of the District. Offices must be operated solely by the resident(s), entirely within the residence and there shall be no external alterations that change substantially the residential characteristics of the building.

Minimum Lot Size: 40 acres - Residences: 15,000 sq. ft., minimum width, 75 feet.

- B. Experience: Planners report program is very effective.
18 of 21 Townships have adopted agricultural zoning.
- C. Other Programs: Tax credit - Relief offered through Wisconsin Farmland Preservation Act.
- D. For Additional Information: Zoning Administrator, County Administration Building, Portage, Wisconsin 53901
Tel: (608) 742-2191.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

DANE COUNTY, WISCONSIN

SMSA COUNTY

Population '78: 318,991
Pop'n change '70-'78: 9.9%
Pop'n per sq. mi. '78: 266.3
Importance of Agric. ('77)
4% employed residents
3.6% personal income

Total land area: 1,198 sq. mi.
Land in farms '78: 614,160 (80%)
Harvested cropland '78: 424,138 (55%)
Prime farmland '67: 47.2%
Farms less than 50 ac. ('78): 24%
Mkt. value prod. per ac. ('78): \$297

A. Description of Program

Dane County Zoning Ordinance, amended 1978.

1. Agricultural District - Exclusive (A-1), Section 10.12 of the Zoning Ordinance.

Permitted Uses: a) Agricultural uses - beekeeping, dairying, egg production; floriculture, fish or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts, berries, sod farming and vegetable raising. b) Residences to be occupied by a person who, or a family at least one member of which earns a substantial part of his or her livelihood from farm operations on the farm parcel. c) Utility services (as defined in this ordinance) and small scale electric generating stations not requiring state approval. d) Road side stands. e) Structures and improvements that are consistent with agricultural uses.

Conditional Uses: a) Single family dwellings or mobile homes occupied by parents or children of the farm operator. b) Governmental uses, such as police and fire stations, highway storage garages, solid waste disposal sites, schools, parks, and campgrounds, airports and landing strips. c) Religious uses such as churches, schools, and cemeteries. d) Separation of farm dwellings and related structures which existed prior to this amendment and which remain after farm consolidation.

Minimum Lot Size: For farm operation - 35 acres.

2. Agricultural District (A-2), Section 10.126 of the Zoning Ordinance.

Permitted Uses: a) Residences to be occupied by a person who, or a family at least one member of which earns a substantial part of his or her livelihood from farm operation on the farm parcel. b) All types of agriculture including

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

DANE COUNTY, WISCONSIN - Continued

general farming, dairying, livestock and poultry raising, dog kennels, apiaries, colony houses, fur farms, horticulture, including nurseries, greenhouses and roadside stands which offer for sale only those products which are grown on the premises. c) Landing field with accessory structures which are for the convenience of the owner of the land on which the facilities are located. d) Utility lines with such structures as are necessary for the operation, but not including buildings used for offices, exchanges, storage or garages. e) Municipal buildings, community buildings, but not including buildings for the storage/repair of trucks, road building machinery or equipment. Public libraries, museums, schools, universities, and colleges, but not including music, dancing, trade or vocational schools which are privately operated. Publicly owned golf courses, tennis courts, archery ranges, swimming pools, and parks. f) Home occupations - as regulated in this ordinance. g) Accessory buildings including private garages and buildings clearly incidental to a permitted use of the premises. h) Snowmobile races of not more than two days of scheduled racing. i) Raising or keeping for sale birds and animals that are considered game, exotic, or zoo specimens and the incidental sale of supplies for their use and care. j) A building to be used for the storage of personal property owned by the owner of the land, but not for the storage of goods or merchandise considered to be a dealers inventory or machinery or equipment used off of the premises for other than agricultural purposes. k) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those resident on the premises, such storage to be in existing accessory farm building. l) Parking of one truck or one road tractor or semi-tractor.

Conditional Uses: a) Mineral extraction (as regulated by this ordinance). b) Radio, television, microwave towers, the parcel of land shall be large enough to insure that if a tower shall fall it will not fall on adjacent property or on the right-of-way of a public road; c) Hospitals, nursing homes, convalescent homes, extended care facilities. d) Buildings for private clubs, fraternities, and associations provided such facilities are open to members only and do not provide a service which would normally be provided. e) Dumping grounds, sanitary land fill sites, demolition material, disposal sites and incinerator sites. f) Cemeteries, crematoriums, and columbaria. g) Commercially operated airports. h) Skeet, trap, and rifle ranges, if not nearer than 800 feet to any residence other than that of an owner or caretaker. i) Veterinary clinics and hospitals. j) Churches. k) Institutions for children. l) Junk and

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

DANE COUNTY, WISCONSIN - Continued

salvage yards. m) Solid waste recycling center.
n) Hunting and shooting farms or preserves. o) Single family detached dwelling units.

Minimum Lot Size: For agricultural uses - 5 acres, minimum width - 250 feet.

- B. Experience: Planners are satisfied with effectiveness of program. 18 of 35 Townships have adopted agricultural zoning.
- C. Other Programs: Tax credit - relief offered through Wisconsin Farmland Preservation Act.
- D: For Additional Information: Zoning Administrator, Room 316, City/County Building, Madison, Wisconsin 53709.
Tel: (608) 266-4266.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

IOWA COUNTY, WISCONSIN

Adjacent SMSA County

Population '78: 19,423	Total land area: 762 sq. mi.
Pop'n change '70-'78: 0.6%	Land in farms '78: 403,580 ac. (83%)
Pop'n per sq. mi. '78: 25.5	Harvested cropland '78: 201,297 ac. (41%)
Importance of Agric. ('77)	Prime farmland '67: 20%
31% employed residents	Farms less than 50 ac. ('78): 9%
37% personal income	Mkt. value prod. per ac. ('78): \$181

A. Description of Program

Iowa County Zoning Ordinance, adopted 1970, amended 1978.

1. Agricultural District (A-1), Section 3.3 of the Zoning Ordinance.

Permitted Uses: 1) agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, truck farming, and viticulture; 2) farms, including the usual farm buildings, structures and dwellings, if in a cluster served by a common driveway, occupied by a person who or a family, at least one member of which earns a substantial part of his or her livelihood from farm operations on the parcel or is a parent or child of the operator of the farm, including not more than one mobile home; 3) farmstead dwellings, when no longer used as a farm dwelling, may be rented for residence use throughout the reasonable and properly maintained life of the structure; 4) utilities, with no minimum lot size, provided all structures and uses are not less than 50 feet from any residential district lot line.

Conditional Uses: 1) single family residence not located with cluster of usual farm buildings which is to be occupied by a person who or a family, at least one member of which earns a substantial part of his or her livelihood from farm operations on the farm wherein located; 2) veterinary establishments for farm animals, provided that all buildings, animal runways, manure disposal and exercise yards be at least 200 feet from all property lines; 3) roadside stands for the sale of farm products produced only on agriculture premises, provided such stand is not less than 30 feet from street or lot lines and shall have adequate off-street parking; 4) airports, provided the site is for a farm related activity; 5) cemeteries, including mausoleums and crematories, providing any mausoleum or crematory be at least 200 feet from all property lines and provided any new cemetery shall contain no less than 5 acres; 6) public, parochial, and private elementary and secondary schools and churches; 7) hospitals, clinics, sanatoriums, and charitable institutions for the treatment of diseases, nursing and convalescent homes, except

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

IOWA COUNTY, WISCONSIN - Continued

correctional or penal institutions; 8) cow pools, commercial breeding and feeding business and the like, provided all buildings, runways, manure disposal and exercise yards be at least 200 feet from all property lines; 9) cheese factories, creameries, condenseries, and pea vineries, provided there is a satisfactory method of disposing of waste.

Minimum Lot Size: 40 acres.

- B. Experience: Planners feel that county is not losing agricultural land under present program. 13 of 14 Townships have adopted agricultural zoning.
- C. Other Programs: Tax credit-relief offered through Wisconsin Farmland Preservation Act.
- D. For Additional Information: Zoning Administrator, Courthouse, Dodgeville, Wisconsin 53533. Tel: (608) 935-5077.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

JEFFERSON COUNTY, WISCONSIN Adjacent SMSA County

Population '78: 65,384	Total land area: 564 sq. mi.
Pop'n change '70-'78: 8.9%	Land in farms '78: 278,375 ac. (77%)
Pop'n per sq. mi. '78: 115.9	Harvested cropland '78: 190,501 ac. (53%)
Importance of Agric. ('77)	Prime farmland '67: 51.8%
12% employed residents	Farms less than 50 ac. ('78): 24%
10% personal income	Mkt. value prod. per ac. ('78): \$297

A. Description of Program

Jefferson County Agricultural Preservation Plan, adopted 1978.

Jefferson County Zoning Ordinance, adopted 1974, amended 1977.

1. Agricultural District (A-1), Section 11.04 of the Zoning Ordinance.

Permitted Uses: 1) Agriculture, horticulture, dairying, beekeeping, livestock raising, hatching of fowl, nursery, greenhouse, stable, truck farm; 2) roadside stand for the sale of products grown or produced on the premises; 3) single-family residence, occupants of which earn a substantial part of their livelihood from the farm occupation; 4) second dwelling if used by farm help whose livelihood is derived in substantial part from the farm operation; 5) feed lot for 150 livestock units or less; 6) poultry farm housing 10,000 birds or less.

Accessory Uses: 1) essential services, household occupations.

Conditional Uses: 1) Additional residential units for farm help who earn a substantial portion of their livelihood from the farm operation; 2) commercial raising of fish; 3) feed lot for more than 150 livestock units; 4) poultry farm housing more than 10,000 birds; 5) fur farm; 6) public and semi-public uses; 7) private agro-related airstrips.

Minimum Lot Size: 40 acres, minimum width, 200 feet.

2. Agriculturally Related Manufacturing, Warehousing and Marketing District (A-2), Section 11.04 of the Zoning Ordinance.

Permitted Uses: All uses are conditional.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

JEFFERSON COUNTY, WISCONSIN - Continued

Conditional Uses: 1) Contract sorting, grading, and packaging services for fruits and vegetables; 2) corn shelling, hay bailing, and threshing services; 3) grist mill services; 4) horticultural services; 5) poultry hatchery services; 6) canning of vegetables, fruits, and specialty foods; 7) production of cheese; 8) production of condensed and evaporated milk; 9) wet milling of corn (custom); 10) preparation of feeds for animals and fowl; 11) production of flour and other grain mill products; 12) blending and preparing of flour; 13) fluid milk processing; 14) production of frozen fruits, vegetables, and other specialties; 15) meat packing; 16) poultry and small game dressing and packing providing all operation are conducted within a closed building; 17) livestock sales facilities; 18) grain elevators; 19) fertilizer production, sales, storage, mixing and blending; 20) sale of farm implements and related equipment; 21) custom grain drying; 22) campground, golf course; 23) trap and skeet shoot, rifle range, motocross course, race track, and festival grounds; 24) solid waste disposal operation, incinerator; 25) kennel, veterinarian facility, animal hospital.

Minimum Lot Size: None - minimum sufficient areas for the principal structures and accessory buildings.

3. Rural Residential District (A-3), Section 11.04 of the Zoning Ordinance.

Permitted Uses: 1) single-family dwellings; 2) raising of livestock on lots of 2.5 acres or more with one livestock unit permitted for each 1.25 acres.

Minimum Lot Size: 1 acre, but less than 40 acres. Note: A maximum of three lots will be considered. Minimum width: 150 feet.

- B. Experience: Planners are satisfied with program. All townships in county have adopted agricultural zoning.
- C. Other Programs: Tax credit-relief offered through Wisconsin Farmland Preservation Act.
- D. For Additional Information: Jefferson County Planning Department, Courthouse, Jefferson, Wisconsin 53549. Tel: (414) 674-2500.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

MANITOWOC COUNTY, WISCONSIN Adjacent SMSA County

Population '78: 83,059	Total land area: 590 sq. mi.
Pop'n change '70-'78: 0.9%	Land in farms '78: 288,373 ac. (76%)
Pop'n per sq. mi. '78: 140.8	Harvested cropland '78: 211,284 ac. (56%)
Importance of Agric. ('77)	Prime farmland '67: 64.3%
8% employed residents	Farms less than 50 ac. ('78): 18%
8% personal income	Mkt. value prod. per ac. ('78): \$255

A. Description of Program

Manitowoc County Zoning Ordinance, adopted 1967, amended 1979.

1. Agricultural District (Exclusive A-3).

Permitted Uses: Beekeeping; dairying; farming; floriculture; forest and game management; grazing; greenhouse; livestock; raising, except commercial, feed lots; orchards; plant nurseries; poultry raising, except commercial egg production; raising of grain, grass, mint and seed crops; raising of tree fruits, nuts and berries; sod farming; essential services; vegetable raising; viticulture; dwellings as follows: a) farm homestead; b) one additional single-family dwelling or mobile home per farm operation over 35 acres for occupancy by parents, children, or employees of the farm operator; c) existing residences at the time of the adoption of this ordinance.

Accessory Uses: private garage; customary home occupation or professional offices conducted by the resident only, provided there be no external evidence of such use except sign no more than 3 sq. feet in area; other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business; roadside stands for the sale of farm products; signs - as regulated.

Conditional Uses: One additional single-family dwelling or mobile home per farm operation over 35 acres for occupancy by parents or children of the farm operator; sand and gravel extraction; commercial feed lots; commercial poultry operations; sawmills; fur farms; riding stables; equestrian trails; fish farms; governmental uses such as fire stations, highway storage garages, solid waste disposal and sewage treatment plants, excavation or extraction, schools, parks and campgrounds, airports, and landing strips; religious uses such as churches, schools and cemeteries; the sale and service of machinery used in agricultural production; facilities used for the centralized bulk collection, storage and distribution of

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

MANITOWOC COUNTY, WISCONSIN - Continued

agricultural products to wholesale and retail markets; the storage and sale of feed, seed, fertilizer, and other products essential to agricultural production; facilities used to provide veterinarian services for livestock; other agricultural-related, religious, utility, industrial or governmental uses similar to those listed above which are compatible with the purposes of this district, which do not conflict with agricultural use and which are found necessary in light of alternative locations available for such uses.

Minimum Lot Size: 35 acres.

- B. Experience: Planners feel county is showing improvement and that farmers are tending to take advantage of benefits in Farmland Preservation Act. 2 of 17 Townships have adopted agricultural zoning.
- C. Other Programs: Tax credit-relief offered through Wisconsin Farmland Preservation Act.
- D. For Additional Information: Planning Department, 1701 Michigan Avenue, Manitowoc, Wisconsin 54220. Tel: (414) 684-1252.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

SHAWANO COUNTY, WISCONSIN

Adjacent SMSA County

Population '78: 35,758

Pop'n change '70-'78: 1.4%

Pop'n per sq. mi. '78: 38.9

Importance of Agric. ('77)

21% employed residents

20% personal income

Total land area: 919 sq. mi.

Land in farms '78: 351,007 ac. (59.6%)

Harvested cropland '78: 196,626 ac. (33.4%)

Prime farmland '67: 10.3%

Farms less than 50 ac. ('78): 10%

Mkt. value prod. per ac. ('78): \$196

A. Description of Program

Shawano County Comprehensive Farmland Preservation Plan, adopted 1979, (contains Model Zoning Ordinance).

1. General Agriculture - First Class Zone (A-G-1), Model Zoning Ordinance, section 9-A.

Permitted Uses: 1) agriculture, including animal and poultry husbandry, beekeeping, dairying, grazing, field crops, forestry, greenhouses, orchards, and wild crop harvesting, truck farming, horticulture or viticulture, and buildings accessory to farm operation; 2) single family dwelling occupied by a person, or a family, at least one member of which earns a substantial part of his/her livelihood from farm operation on the farm. Substantial part of livelihood would mean devoting a minimum of 40 hours per week to farm activities; 3) camping trailer, mobile home and houseboat parking.

Conditional Uses: 1) dwelling - single family if for a farm worker who earns a substantial part of his/her livelihood from the farm operation or parent or child of the farm operator provided the location is contiguous to farm buildings. This dwelling may be a two family structure provided that both occupants are farm operators or parent or child of operators or farm workers who earn a substantial part of their livelihood from farm operations; 2) filling, grading, lagooning and dredging; 3) livestock feeding pens or yards (more than 100 animal capacity); 4) agriculture related, religious, and institutional or government uses; 5) agriculture related or government quarrying; 6) home occupations.

Minimum Lot Size: 35 acres - minimum lot width, 100 feet.

- B. Experience: 3 of 25 Townships have adopted agricultural zoning.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

SHAWANO COUNTY, WISCONSIN - Continued

- C. Other Programs: Tax credit-relief through Wisconsin Farmland Preservation Act.
- D. For Additional Information: Zoning Administrator, Shawano County Courthouse, Shawano, Wisconsin 54116.
Tel: (715) 526-6766.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

SHEBOYGAN COUNTY, WISCONSIN Adjacent SMSA County

Population '78: 101,314	Total land area: 505 sq. mi.
Pop'n change '70-'78: 4.8%	Land in farms '78: 230,750 ac. (71%)
Pop'n per sq. mi. '78: 200.6	Harvested cropland '78: 172,026 ac (53%)
Importance of Agric. ('77)	Prime farmland '67: 54.3%
5% employed residents	Farms less than 50 ac. ('78): 24%
5% personal income	Mkt. value prod. per ac. ('78): \$249

A. Description of Program

Sheboygan County Farmland Preservation Plan, adopted 1979
(contains Model Zoning Ordinance).

Zoning authority in unincorporated areas is vested in the County's Townships. 8 of 15 Townships have adopted agricultural zones which have been certified under the state's Farmland Preservation Program (CFR Walworth County Ordinance). All 8 have set the minimum lot size at 35 acres.

B. Other Programs: Tax credit-relief offered through Wisconsin Farmland Preservation Act.

C. For Additional Information: County Planning Director, County Court House, Sheboygan, Wisconsin. Tel: (414) 459-3060.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WALWORTH COUNTY, WISCONSIN

Adjacent SMSA County

Population '78: 69,489

Pop'n change '70-'78: 9.5%

Pop'n per sq. mi. '78:124.75

Importance of Agric. ('77)

9% employed residents

9% personal income

Total land area: 557 sq. mi.

Land in farms '78: 258,369 ac. (72%)

Harvested cropland '78: 190,579 ac. (53%)

Prime farmland '67: 61.8%

Farms less than 50 ac. ('78): 21%

Mkt. value prod. per ac. ('78): \$251

A. Description of Program

Walworth County Zoning Ordinance, adopted 1974, amended 1976.

1. Prime Agricultural Land District (A-1), Section 3.3 of the Zoning Ordinance.

Permitted Uses: 1) apiculture; 2) dairying; 3) floriculture; 4) grazing; 5) livestock raising, except commercial feed lots; 6) orchards; 7) paddocks; 8) plant nurseries; 9) poultry raising, except commercial egg production; 10) raising of tree fruits, nuts, and berries; 11) raising of grain, grass, mint, and seed crops; 12) sod farming; 13) vegetable raising; 14) viticulture; 15) equestrian trails; 16) forest and game management; 17) greenhouses; 18) nature trails and walks; 19) stables; 20) two single-family farm dwellings or one two-family farm dwelling for resident owners, these children of resident owners substantially engaged in conducting a principal or approved conditional use, and laborers engaged in a principal or approved conditional use; 21) roadside stands not exceeding one per farm.

Conditional Uses: 1) housing for farm laborers not included in permitted uses; 2) housing for seasonal or migratory farm workers; 3) commercial feed lots; 4) livestock sales facilities; 5) vet services for farm animals; 6) commercial fur farms; 7) **commercial** egg production; 8) land restoration; 9) mobile homes for farm laborers; 10) business directory signs; 11) sewage disposal plants; 12) airports; 13) governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums; 14) utilities; 15) schools and churches.

Minimum Lot Size: 35 acres.

2. Agricultural Land District (A-2), Section 3.3.

Permitted Uses: Same as District (A-1), except that only single-family farm dwelling shall be permitted.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WALWORTH COUNTY, WISCONSIN - Continued

Conditional Uses: 1) same as District (A-1), except that livestock sales facilities; 2) ski hills; 3) hunting and fishing clubs; 4) recreation camps; 5) public or private campgrounds; 6) riding stables are listed.

Minimum Lot Size: 20 acres, minimum width, 300 feet.

- B. Experience: All county townships have adopted agricultural zoning. See Case Study No. 9.
- C. Other Programs: Tax credit-relief offered through Wisconsin Farmland Preservation Act.
- D. For Additional Information: Planning, Zoning; and Sanitation Office, Walworth County, Elkhorn, Wisconsin 53121.
Tel: (414) 723-3344.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WASHINGTON COUNTY, WISCONSIN SMSA COUNTY

Population '78: 83,822	Total land area: 429 sq. mi.
Pop'n change '70-'78: 31.3%	Land in farms '78: 167,395 ac. (61%)
Pop'n per sq. mi. '78: 195.4	Harvested cropland '78: 117,715 ac. (43%)
Importance of Agric. ('77)	Prime farmland '67: 47.9%
7% employed residents	Farms less than 50 ac. ('78): 22%
6% personal income	Mkt. value prod. per ac. ('78): \$240

A. Description of Program

Washington County Zoning Ordinance, adopted 1964, amended 1979.

1. Exclusive Agricultural District (EA), Section 22.201.

Permitted Uses: a) floriculture, including wholesale greenhouses; b) dairying, grazing, and livestock raising, and supporting customary agricultural practices used in connection with these uses; c) feed lots of less than 300 head of livestock; d) poultry raising and egg production of less than 1,000 birds; e) plant nurseries and orchards, vegetable, grape and sod farming; f) beekeeping; g) raising of grains, forages, mint, and seed crops; h) raising of tree fruit, nuts, and berries; i) one roadside stand providing for use in sale of agricultural products produced on the premises or adjoining premises; j) one single family residence per farm operating unit occupied by a person or family earning a substantial livelihood from the existing agricultural operation; k) agricultural related household occupation and professional offices as defined by the ordinance; l) single family homes which existed on the effective date of this ordinance and were in ownership unrelated to adjoining lands at that time on lots of at least 40,000 sq. ft.

Conditional Uses: a) fish hatcheries or fish farms, feed lots over 300 head, and poultry operations over 1,000 birds; b) churches, schools, cemeteries, governmental structures and uses such as parks, garages, meeting places, and gravel pits; c) utility uses for servicing the surrounding agricultural area; d) single family homes or a mobile home as regulated (in permitted uses of this chapter) exceeding one per farm operating unit to be owned and occupied by a person or family earning a substantial livelihood from the existing agricultural operation; e) other specialized agriculturally related facilities such as sawmills, fur farms, stables, and paddocks, equestrian trails; f) agricultural bulk products,

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WASHINGTON COUNTY, WISCONSIN - Continued

collection, storage and/or transfer facilities; g) uses involving service of farm machinery; h) storage and sale of seed, feed, fertilizer and other products essential to agricultural production; i) veterinarian service uses; j) agricultural product processing facilities; k) other agricultural related uses similiar to these enumerated elsewhere in this Zoning District which are deemed non-conflicting with agriculture by the County Commission and are found compatible and necessary; l) seperating a farm home which existed in 1979 from the remaining farm operating unit at the time of a consolidation of adjacent operating farms, providing at least 1 acre of land is kept with said farmhouse; m) ponds for recreational purposes.

Minimum Lot Size: 35 acres, except minimum 1 acre lots allowable with conditional uses. Minimum lot width, 600 feet, and 125 feet for a 1 acre lot.

2. Agricultural Transition Zone (AT), Section 22.202.

Permitted Uses: Same as (EA) Zone.

Conditional Uses: Same as (EA) Zone.

Minimum Lot Size: Same as (EA) Zone.

This district is intended to preserve existing agricultural uses for the intermediate term until orderly transition to other planned uses is approved by the Township and County.

- B. Experience: 1 of 13 Townships have adopted agricultural zoning.
- C. Other Programs: Tax relief-credit offered through Wisconsin Farmland Preservation Act.
- D. For Additional Information: Zoning Administrator, 515 East Washington Street, West Bend, Wisconsin 53095.
Tel: (414) 338-4400.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WINNEBAGO COUNTY, WISCONSIN SMSA COUNTY

Population '78: 132,532

Pop'n change '70-'78: 2.0%

Pop'n per sq. mi. '78: 295.8

Importance of Agric. ('77)

3% employed residents

3% personal income

Total land area: 448 sq. mi.

Land in farms '78: 196,221 ac. (68%)

Harvested cropland '78: 141,832 ac. (49%)

Prime farmland '67: 66%

Farms less than 50 ac. ('78): 19%

Mkt. value prod. per ac. ('78): \$221

A. Description of Program

Winnebago County Zoning Ordinance, adopted - major revision - 1979.

1. Agri-Business District (A-1), Section 3.8 of the Zoning Ordinance.

Permitted Uses: 1) agricultural; 2) beekeeping; 3) dairying; 4) fish farms; 5) floriculture; 6) forestry; 7) fur farms; 8) grazing; 9) greenhouse; 10) hay; 11) livestock raising; 12) orchards; 13) paddocks; 14) pasturage; 15) plant nurseries; 16) poultry raising; 17) stables; 18) sod farming; 19) truck farming; 20) viticulture; 21) wild crop harvesting; 22) raising of cash crops, mint, grass, seedcrops, silage, nuts and berries, and vegetables; 23) barns, silos, etc.

Special Provisions: Establishment of a lot(s) for existing dwellings not accessory to any farm operation and farm dwellings remaining after consolidation of neighboring farms are permitted, providing the lot shall comply with all the provisions of the applicable Residential District.

Conditional Uses: 1) Airports, airstrips, and landing fields - when agriculturally related; 2) cemeteries and crematories, hospitals, colleges and universities, sanitariums, religious, charitable, penal and correctional institutions; 3) condenseries, creameries, commercial butchering of animals, commercial boarding of stable animals, migratory laborer housing; 4) sludge disposal; 5) mobile homes which shall be occupied as an accessory use to the farm operation - occupant(s) must earn a substantial part of his/her livelihood from farm operations on the parcel; 6) large scale operations, e.g. duck, turkey, mink farms, which involve potential nuisance conditions requiring special waste disposal and treatment facilities, e.g. lagoons and/or overhead irrigation disposal systems.

Minimum Lot Size: 80 acres - minimum frontage, 300 feet.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

WINNEBAGO COUNTY, WISCONSIN - Continued

2. General Farming District (A-2)

Permitted Uses: 1) Same as (A-1) District; 2) one and two-family dwellings, whether or not accessory to farm operations. These dwellings shall adhere to the standards of the applicable residential districts.

Conditional Uses: Same as (A-1) District.

Minimum Lot Size: 5 acres, minimum frontage, 300 feet.

- B. Experience: County reports they are losing prime agricultural land to residential development. Townships control density of agricultural land in County. Only 1 of 16 Townships has adopted agricultural zoning.
- C. Other Programs: Tax credit-relief offered through Wisconsin Farmland Preservation Act.
- D. For Additional Information: Farmland Preservation Planner, 415 Jackson, Oshkosh, Wisconsin 54903. Tel: (414) 235-2500.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

SWEETWATER COUNTY, WYOMING

Non-SMSA County

Population '78: 36,403
Pop'n change '70-'78: 97.9%
Pop'n per sq. mi. '78: 10.9
Importance of Agric. ('77)
1% employed residents
1% personal income

Total land area: 3,350 sq. mi.
Land in farms '78: 1,662,005 ac. (77.5%)
Harvested cropland '78: 23,560 ac. (1.1%)
Prime farmland '67: 0%
Farms less than 50 ac. ('78): 7%
Mkt. value prod. per ac. ('78): \$3

A. Description of Program

Zoning Resolution of Sweetwater County, adopted 1979.

1. Agricultural District (A), Section 5 of the Zoning Ordinance.

Permitted Uses: a) agriculture - shall include farming, ranching, grazing, dairying, animal or plant husbandry, or other agricultural use which will not involve on any parcel of less than 35 acres in size the erection or placement of any structure for residential, commercial, or industrial purposes; b) aircraft landing strip; c) cemetery; d) churches and parish home; e) community center - may be public or private, but not operated for profit or grain; f) fire station; g) forest management and logging - does not include the manufacture or processing of wood products; h) golf course; i) guest or dude ranch; j) helicopter landing site; k) heliport; l) hunting camp; m) kennel or corrals for the keeping or boarding of animals; n) mineral exploration and drilling; o) oil and gas exploration and drilling and extraction facilities; p) police station; q) public or private schools for elementary or secondary education; r) public parks and playgrounds and other public recreational facilities; s) public utility and public service installations - such uses shall not include business offices, repair, sales, or storage facilities; t) radio and television transmitting station and tower; u) railway rights-of-way; v) sanitary landfill; w) sewage disposal plant; x) transmission lines; y) veterinary clinic, including observation pens or kennels for animals.

Accessory Uses: Will be permitted with compliance with the following conditions: a) is clearly incidental to and commonly associate with the operation of a permitted use; b) is operated under the same ownership and on the same property; c) does not include permanent residential occupancy except by owners or person employed on the premises and their immediate families, including single family dwellings, mobile homes, guest houses and lodges.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE

SWEETWATER COUNTY, WYOMING - Continued

Permitted Home Occupations: may be conducted in a permanently occupied dwelling provided all the following conditions are met - a) such use shall be conducted entirely within a dwelling and carried on by the inhabitants living there and no others; b) such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof; c) the total area used for such purposes shall not exceed one-third the gross floor area of the user's dwelling unit.

Minimum Lot Size: None, except that where permanent residential occupancy is conducted as an Accessory Use, there shall be at least 35 acres of land area for each permanently occupied dwelling unit.

- B. Experience: The County is under heavy development pressure from mineral resource developments. Many of these are occurring in the agricultural district.
- C. Other Programs: Preferential assessment.
- D. For Additional Information: Sweetwater County Planning Department, Post Office Box 791, Green River, Wyoming 82935.
Tel: (307) 875-2611.

12. NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASE ALLOCATION

HARVEY COUNTY, KANSAS Non-SMSA County

Population '78: 29,197
Pop'n change '70-78: 7%
Pop'n per sq. mi. '78: 54
Importance of Agric. ('77)
7.5% employed residents
4.5% personal income

Total land area: 540 sq. mi.
Land in farms '78: 323,484 ac. (94%)
Harvested cropland '78: 214,607 ac. (62%)
Prime farmland '67: 377,082
Farms less than 50 ac. ('78): 12%
Mkt. value prod. per ac. ('78): \$242

A. Description of Program

Zoning Regulations for Harvey County, Kansas, 1975 as amended

1. Exclusive Agricultural District (A-1):

Farms are defined in terms of "General Agricultural Operating Units," which are "those units of land where the primary objective of the operation is to manage the land and related natural resources to produce income." Permitted uses include farms (crops, livestock, trees, fish), home occupations, sale of goods produced on the premises, buildings and uses incidental to the above uses.

Only one dwelling unit (or other use) is permitted per quarter section (160 acres). A-1 structures must be set back at least 150 feet from property lines on all sides. There must be at least 300 feet between residential dwelling units.

Rezoning out of agricultural use may occur only where the land has poor productive capacity.

2. Agricultural-Transitional District (A-2):

Single-family dwellings are permitted. Only one dwelling (or other use) is permitted per quarter of a quarter section (40 acres). Set back regulations are the same as in A-1.

3. Agricultural Residential District (A-R):

Every residential tract of land must be at least 2 1/2 acres but not more than 10 acres, with lots at least 208 feet wide. Structures must be 50 feet from property lines, with at least 200 feet between dwellings.

B. Experience: no data

C. Other Programs: Differential Appraisal for State Inheritance and Estate Taxation (Ks.)

D. For Additional Information: Harvey County Department of Planning and Zoning, Harvey County Courthouse, Newton, Kansas 67114. Telephone: (316) 283-7232.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASE ALLOCATION

KENDALL COUNTY, ILLINOIS Non-SMSA County

Population '78: 34,874	Total land area: 320 sq. mi.
Pop'n change '70-78: 33%	Land in farms '78: 185,584 ac. (91%)
Pop'n per sq. mi. '78: 109	Harvested cropland '78: 161,545 ac. (79%)
Importance of Agric. ('77)	Prime farmland '67: 174,678 ac. (85%)
7.4% employed residents	Farms less than 50 ac. ('78): 18%
3.2% personal income	Mkt. value prod. per ac. ('78): \$260

A. Description of Program:

Kendall County Zoning Ordinance, as amended February 1978

Agricultural District (A-1):

Agriculture is defined as, "Land, or land and structures, the principal uses of which are the growing of crops and one or more of the following: dairying, animal or poultry husbandry," and customary accessory uses including the farm buildings but not including the farm dwelling.

For parcels of record as of March 7, 1977, which are at least 60 acres in size, one new single-family home may be built (either in addition to homes already existing on that parcel or where no house currently stands). Divisions of land into 60-acre or larger parcels, subsequent to the March 7, 1977, cut-off date do not entitle the owner(s) to additional building permits.

The County's 1974 Comprehensive Plan designates an "Urbanizing Area," which is that part of the County which can readily be served by public sewer systems. Farmland outside that sewerable was designated an "Agricultural Preservation Area," and County policy is not to grant rezonings for nonagricultural uses in that area.

- B. Experience: About 50 percent of the county is found in the "Agricultural Preservation Area." A study of rezonings, 1974-78, found very few cases where land within the Preservation Area was rezoned out of agricultural use.
- C. Other Programs: Differential Assessment: Deferred Taxation (IL.) Agricultural Districting (IL.)
- D. For Additional Information: Building and Zoning Officer, Kendall County Building and Zoning Administration, P.O. Box 489, Yorkville, IL. 60560 Telephone: (312)533-6344.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

HARFORD COUNTY, MARYLAND

Non-SMSA County

Population '78: 146,202
Pop'n change '70-'78: 27%
Pop'n per sq. mi. '78: 379
Importance of Agric. ('77)
3.2% employed residents
1.5% personal income

Total land area: 386 sq. mi.
Land in farms '78: 118,576 ac. (48%)
Harvested cropland '78: 64,585 ac. (26%)
Prime farmland '67: 87,482 ac.
Farms less than 50 ac. ('78): 30%
Mkt. value prod. per ac. ('78): \$221

A. Description of Program

Harford County Zoning Ordinance Art. 7, adopted 1976.

Agricultural zoning encompassing woodland, cropland, and pasture or other vacant land. Soils criteria were not used in delineating the zone.

Permitted Uses: Agriculture and accessory uses or structures, single family dwellings subject to density and minimum lot requirements, public and private forests, conservation areas, community and recreational facilities, underground lines and cables plus certain overhead electrical transmission lines, houses of worship, other public buildings.

Conditional Uses: Animal hospital facilities, sand and gravel or other excavation activities, hospitals, rest and nursing homes, cemeteries, country clubs, golf courses, hunting and riding clubs, airports, schools and colleges, public utility structures, mobile home parks and recreational campgrounds, penal institutions, sanitary landfills, dairy and farm product processing, hog and fur farms, medical practitioners' offices, camps, antique shops, home occupations, nursery and garden centers, temporary circuses or carnivals, sawmills, conversion of existing residences into not more than 4 dwelling units, accessory uses to the above.

Minimum Lot Size: The total number of lots that may be ultimately subdivided from a larger parcel (including lots for existing dwellings or mobile homes) shall not exceed one for each 10 acres of land. The minimum lot size for each subdivided parcel is 2 acres.

B. Experience: The agricultural zone (A-1) covers 178,523 acres (62.6% of the county). In 1978, data were compiled by election district and census tract on land use within all of the zoned districts, including agriculture A-1.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION
HARFORD COUNTY, MARYLAND - continued

C. Other Programs: Differential Assessment: Deferred Taxation (Md.)
Agricultural Districting/PDR (Md.)
Right to Farm Legislation (Md.)*
Differential Appraisal, Inheritance and Estate
Taxation (Md.)*

D. For Additional Information: Bob Lynch, Planner, Harford County
Department of Planning and Zoning, 45 South Main Street, Bel
Air, Md. 21014. Tel: (301) 838-6000.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

BENTON COUNTY, MINNESOTA

SMSA COUNTY

Population '78: 22,841
Pop'n change '70-'78: 9.6%
Pop'n per sq. mi. '78: 56.8
Importance of Agric. ('77)
16.5% employed residents
7.2% personal income

Total land area: 402 sq. mi.
Land in farms '78: 201,529 ac. (78%)
Harvested cropland '78: 106,080 ac. (41%)
Prime farmland '67: 36.8%
Farms less than 50 ac. ('78): 13%
Mkt. value prod. per ac. ('78): \$179

A. Description of Program

Benton County Development Code, adopted 1971

Farm: A parcel of land having at least one quarter-quarter ($\frac{1}{4}$ - $\frac{1}{4}$) section containing approximately forty (40) acres, or two or more abutting parcels under the same ownership having an area of approximately forty (40) acres.

1. Agricultural District (A-1), Section 7.1 (Zoning Ordinance)

Permitted Uses: Farming, general and dairy, providing animal unit density is not greater than three (3) units per acre; Agricultural land uses; Farmstead residences; Forestry and Nurseries; Essential Services (Public Utilities); Public Recreation; Historic sites and areas; Churches, Cemeteries; Horticultural uses and structures; Conventional Residences and Mobile Homes on lots of record.

Permitted Accessory Uses: Private garages, parking spaces, carports; Home Occupations; Decorative Landscaping; Signs (as regulated); Private swimming pools and tennis courts; Temporary buildings for purposes of construction; Roadside stands for sale of home occupation or horticultural products, provided off-street parking is available.

Conditional Uses: Single family dwellings, including subterranean dwellings and mobile homes - four (4) nonfarm dwellings per 40 acres at a minimum lot size of $1\frac{1}{2}$ acres with the following conditions:

- a. It can be demonstrated that the soil is not "prime" or "good" farmland but that it is "marginal" or otherwise not feasible for agricultural development.
- b. Parcel abuts an existing public road.
- c. Proposed homesite will not encroach upon on an existing or potential irrigation system.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

BENTON COUNTY, MINNESOTA - continued

- d. Proposed site will not create a residential density of more than ten nonfarm dwellings within $\frac{1}{2}$ mile of an existing feed lot.

A second home, if used to house members of resident farming family, or for full-time farm help, if need for additional unit to support and carry on the principal use had been established.

Airports, as regulated by state.

Land reclamation as regulated by this ordinance; governmental buildings and structures; public or parochial schools, provided site is not less than five acres and no building closer than fifty feet to a lot line; operating through trains, but not including switching, storage, or other related operations; commercial livestock feed lots, sales yards, livestock experimentation, small animal farming, kennels, animal hospitals, intensive poultry farming, nurseries and greenhouses; grain elevators and farm implement sales; fertilizer plants and bulk liquid storage; repair garages and warehouses; slaughterhouses and meat processing plants.

Minimum Lot Size: For farmstead residences: none; for nonfarm dwellings in areas where agricultural production is nonfeasible: $1\frac{1}{2}$ acres - minimum width, 250 feet; minimum depth, 250 feet.

2. Agricultural District (A-2), Section 7.2 (Zoning Ordinance)

Permitted Uses: Same as A-1 except that single family dwellings, including mobile homes and subterranean dwellings - four nonfarm dwellings per 40 acres at a minimum lot size of $1\frac{1}{2}$ acres with the following conditions:

- a. Parcel abuts a public road.
- b. Proposed homesite will not encroach upon an existing or potential irrigation system.
- c. Parcel will not create a residential density of more than ten nonfarm dwellings within $\frac{1}{2}$ mile of existing feed lot.

Permitted Accessory Uses: Same as A-1.

Conditional Uses: Same as A-1 except that regulation concerning single family dwellings has been elevated to a permitted use in this district (A-2), and as noted above under permitted uses.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION
BENTON COUNTY, MINNESOTA - continued

Minimum Lot Size: Same as A-1.

- B. Experience: Planners report satisfaction with the ordinance.
- C. Other Programs: Deferred taxation
- D. For Additional Information: County Courthouse,
Foley, Minnesota 56329. Tel: (612) 968-6206.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

BLUE EARTH COUNTY, MINNESOTA Non-SMSA County

Population '78: 50,420	Total land area: 737 sq. mi.
Pop'n change '70-'78: -3.6%	Land in farms '78: 425,940 ac. (90%)
Pop'n per sq. mi. '78: 68.2	Harvested cropland '78: 349,650 ac. (74%)
Importance of Agric. ('77)	Prime farmland '67: 65.8%
9% employed residents	Farms less than 50 ac. ('78): 13%
14% personal income	Mkt. value prod. per ac. ('78): \$228

A. Description of Program

Blue Earth County Land Use Plan (1975)

Blue Earth County Zoning Ordinance, adopted 1964

Farm: Any 10 acre piece of land that produces \$2,000/year income from agricultural products

1. Agricultural Districts (A-1, Prime Agriculture; A-2, Limited Agriculture), Sections 7, 8, and 9 of County Zoning Ordinance.

Agricultural Districts are intended to: 1) allow extensive areas to be retained in agricultural use; 2) prevent scattered nonfarm growth; and 3) preserve woodlands and other areas of aesthetic and scenic value.

Permitted Uses: (A-1 and A-2 Districts) Agriculture and agriculture related uses; parks, recreational areas, wildlife areas, game refuges and forest preserves owned by governmental agencies; flood control and watershed structures; golf courses except club houses; home occupations; single family dwelling - not more than one nonfarm dwelling per quarter of a quarter section.

Conditional Uses: Commercial outdoor recreational areas and accessory buildings; riding academies and commercial stables; organized group camps; churches, cemeteries/memorial gardens; essential public utilities; golf and country clubs, gun clubs, race tracks; extraction of minerals as regulated (Section 22); veterinary and animal clinics, kennels; landing fields (private-commercial); mobile homes as regulated (Section 23); planned unit development as regulated (Section 20); sanitary landfills as regulated; two family dwellings; uses determined by the planning agency to be of the same general character as the uses above.

Permitted Accessory Uses: Private garages; living quarters of persons employed on premises; accessory buildings and structures which are clearly incidental to above uses.

Minimum Lot Size: 1 acre, minimum lot width - 150 feet.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

BLUE EARTH COUNTY, MINNESOTA - continued

Bonus Lots: (A-1) District - Parcels or tracts of land which have not been farmed (tilled) within the past five years prior to date of building permit application may be permitted one additional bonus dwelling unit provided: a building plan contains location of building, water supply and septic field; natural features of importance are preserved or protected; an engineering report is filed in unfavorable topography (steep slopes greater than 12%) or soils not suited for septic tanks; and other such reasonable conditions as may be necessary to maintain the intent and integrity of the District.

Density Standard: Not more than one nonfarm dwelling per quarter of an quarter section containing approximately forty acres shall be permitted except that additional dwellings may be allowed subject to the provisions stated in this Sub-division.

2. Agricultural District (A-2) - Same as A-1 except that two additional bonus dwelling units may be permitted.

B. Experience: Planners pleased with results of ordinance.

C. Other Programs: Deferred Taxation

D. For Additional Information: Zoning Administrator,
202 East Jackson, Mankato, Minnesota 56001.
Tel: (507) 625-3161.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA BASED ALLOCATION

CARVER COUNTY, MINNESOTA

SMSA COUNTY

Population '78: 35,586
Pop'n change '70-'78: 25.7%
Pop'n per sq. mi. '78: 102
Importance of Agric. ('77)
15% employed residents
14% personal income

Total land area: 349 sq. mi.
Land in farms '78: 181,882 ac. (81%)
Harvested cropland '78: 125,098 ac. (56%)
Prime farmland '67: 50.2%
Farms less than 50 ac. ('78): 17%
Mkt. value prod. per ac. ('78): \$235

A. Description of Program

County Density Ordinance, adopted 1974

1. Agricultural District (A), Section 8

Permitted Uses: One single family residence per farm; farming (general or dairy); farming feed lot; each two quarter-quarter sections of a farm having one dwelling unit thereon may convey therefrom a parcel of land for the purpose of residential construction; horticultural uses.

Conditional Uses: Structures for storage of crops, agricultural livestock and farm machinery; airports; churches and related structures; land reclamation and mining; municipal buildings and structures; public and parochial schools; through trains; day nursery; public parks and playgrounds; nonfarming uses which are directly related to function in support of farming or rural life style; historical sites; second house on farms having a minimum 80 acres provided occupant is employed on the farm; kennels; municipal, county, or privately operated tree waste utilization sites; riding academies, stables; cemeteries; automobile reduction yards; accessory structure in conjunction with a home occupation; noncrop producing parcel of land that was recorded as of July 1, 1974, which has unique beauty.

Spacing Standard: On approved lots located along arterials driveways must be spaced at least 1,250 feet **apart**; on collector streets, 1000 feet; and on local roads, 300 feet.

Minimum Lot Size: One Acre

B. Experience: Planners report satisfaction with the program.

C. Other Programs: (1) Twin Cities Metropolitan Council planning, zoning, and facilities location requirements as well as right to farm legislation and agricultural districts; 2) deferred taxation.

D. For Additional Information: Land Use Coordinator, 600 East Fourth Street, Chaska, Minnesota 55318. Tel: (612) 448-3435.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

CLAY COUNTY, MINNESOTA

SMSA County

Population '78: 47,880
Pop'n change '70-'78: 2.7%
Pop'n per sq. mi. '78: 46.1
Importance of Agric. ('77)
14% employed residents
11% personal income

Total land area: 1.037 sq. mi.
Land in farms '78: 617,545 ac. (93%)
Harvested cropland '78: 443,397 ac. (66.8%)
Prime farmland '67: 62.8%
Farms less than 50 ac. ('78): 9%
Mkt. value prod. per ac. ('78): \$118

A. Description of Program

Clay County Development Code, adopted 1980.

1. Agricultural Preservation District (AgP-1), Section 3.

Permitted Uses: Commercial agriculture; farm buildings and dwellings; farm drainage and irrigation systems; one nonfarm single-family dwelling per each quarter-quarter section not already containing a nonfarm dwelling; additional nonfarm single-family dwelling(s) per quarter-quarter section provided criteria is met; designated historical sites; mining and mineral extraction; feed and poultry lots.

Permitted Accessory Uses: Private garages and storage buildings; playhouses and swimming pools; transient agricultural labor dwellings; animal units not exceeding one per acre; landscaping items; energy systems; rural and suburban home occupations.

Conditional Uses: Outdoor recreation areas, churches, schools; cemeteries; airports; local government building; feedlots and associated waste handling facilities; agricultural service establishments; essential services; temporary uses; kennels; radio and television transmission towers; four nonfarm single family dwellings per quarter section (160 acres).

Minimum Lot Size: One acre of which 20,000 square feet shall be above the regional flood protection level.

2. Agricultural Preservation/Urban Expansion District (AgP-2), Section 4.

Permitted Uses: Commercial Agriculture, excluding feedlots; farm building and dwellings; farm drainage and irrigation system; single-family dwellings.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

CLAY COUNTY, MINNESOTA - Continued

Permitted Accessory Uses: Private garage and storage buildings; playhouses and swimming pools; roadside stands for sale of produce grown on the site; transient agricultural labor dwellings; animal units, one per acre density; landscaping items; energy systems, suburban home occupations in subdivisions; suburban and rural home occupations on single lots or farms.

Conditional Uses: All conditional uses as regulated in the AGP-1 District except private airports; neighborhood commercial establishments.

Minimum Lot Size: For single-family dwelling in subdivision: (½) acre of which 20,000 square feet shall be above the regional flood protection level.

3. Agricultural Service Center District (ASC), Section 5.

Permitted Uses: Single or two family dwellings; office, service and retail establishments serving local community; churches, community parks and playgrounds; local government buildings.

Permitted Accessory Uses: Private garages and storage buildings; playhouses and swimming pools; roadside stands for sale of produce grown on site; animal units, one per acre density; landscaping items; suburban home occupation.

Conditional Uses: Agriculture service establishments, warehouse, indoor storage facilities.

Minimum Lot Size: (½) acre.

- B. Experience: 80% of Clay County is covered by the Agricultural Preservation District.
- C. Other Programs: Deferred Taxation.
- D. For Additional Information: Planning Director, Clay County Courthouse, Moorhead, Minnesota 56560. Tel: (218) 233-2781.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA BASED ALLOCATION

DAKOTA COUNTY MINNESOTA

SMSA COUNTY

Population '78: 190,182
Pop'n change '70-'78: 36%
Pop'n per sq. mi. '78: 330.2
Importance of Agric. ('77)
 3% employed residents
 3% personal income

Total land area: 576 sq. mi.
Land in farms '78: 242,647 ac. (66%)
Harvested cropland '78: 182,063 ac. (49%)
Prime farmland '67: 45.6%
Farms less than 50 ac. ('78): 24%
Mkt. value prod. per ac. ('78): \$237

A. Description of Program

Dakota County has no zoning authority over unincorporated areas. This authority rests with 13 Townships. Of the 13 Townships, 7 have adopted agricultural zones. 5 of the 7 adopted quarter/quarter ordinances setting a density limit at one per 40 acres. One has a permitted density of four lots per quarter/quarter and the remaining Township has a permitted density of five lots per quarter/quarter section.

Eleven Townships have prepared comprehensive plans showing the overwhelming majority of their land in agricultural use. Seven of these have designated the entire Township for agricultural use; two have 95% of the Township so designated; and two Townships have designated 80% of their land for agricultural use.

Since Dakota County is governed under the authority of the Metro Council, the Townships without zoning will eventually have to develop land use regulations to implement their comprehensive plans. Thus, at least 11 of the 13 Townships will eventually have agricultural districts to protect their agricultural land.

Minimum Lot Size: 1 to 2 acres.

B. Other Programs: Twin Cities Metropolitan Council planning, zoning, and facilities location requirements as well as right to farm legislation and agriculture districts; deferred taxation.

C. For Additional Information: Dakota County Government Center, Hastings, Minnesota 55033. Tel: (612) 437-3191.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

GOODHUE COUNTY, MINNESOTA Adjacent SMSA COUNTY

Population '78: 38,399	Total land area: 745 sq. mi.
Pop'n change '70-'78: 10.4%	Land in farms '78: 408,186 (86%)
Pop'n per sq. mi. '78: 51.5	Harvested cropland '78: 275,320 (58%)
Importance of Agric. ('77)	Prime farmland '67: 47.2%
17% employed residents	Farms less than 50 ac. ('78): 18%
19% personal income	Mkt. value prod. per ac. ('78): \$208

A. Description of Program

Goodhue County Zoning Ordinance, adopted 1971.

Farm: Real estate consisting of at least 40 acres with a minimum of at least 20 acres cropland. Smaller acreages shall qualify as a farm if at least 50% of the total net family income of the owner is derived from agricultural production in the preceding two tax years.

1. Agricultural District (A), Article IV, Section A of the Zoning Ordinance.

Permitted Uses: All uses commonly classified as agricultural with no restrictions as to the operation or maintenance of such vehicles or machinery incident to such uses and including the seasonal sale of farm produce from temporary and movable stands located on the individual farm property. Farm dwelling (may be a mobile home) limited to one single family dwelling per farm. No permit for a farm dwelling shall be issued if the farm is without a dwelling because it was sold in the previous five years. Nonfarm dwellings which meet the following requirements: 1) situated on areas of non-cropland; 2) at least 1,000 feet from nearest dwelling; 3) minimum frontage on improved public road (pre 1974) of 100 feet.

Conditional Uses: Parks; schools; campgrounds; resorts; government buildings; additional farm dwellings.

Minimum Lot Size: 1 acre with minimum width of 100 feet.

Density: Quarter/quarter (40 acres) per dwelling unit

B. Experience: Planners report success with program.

C. Other Programs: Deferred taxation.

D. For Additional Information: Zoning Administrator,
Goodhue County Courthouse, Red Wing, Minnesota 55066.
Tel: (612) 388-8261.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

RICE COUNTY, MINNESOTA

Adjacent SMSA County

Population '78: 44,256
Pop'n change '70-'78: 6.4%
Pop'n per sq. mi. '78: 89.2
Importance of Agric. ('77)
11% employed residents
12% personal income

Total land area: 496 sq. mi.
Land in farms '78: 264,209 ac. (83%)
Harvested cropland '78: 194,267 ac. (61%)
Prime farmland '67: 50.8%
Farms less than 50 ac. ('78): 18%
Mkt. value prod. per ac. ('78): \$239

A. Description of Program

Rice County Zoning Ordinance, adopted 1967, amended 1975.

Farm: A farm is a real property of 35 acres and as defined under Minnesota Agricultural Property Tax Law, "Green Acres Law," Section 273.11, Agricultural Property Tax, Subdivision 6.

1. Agricultural District (A), Section 15 of the zoning ordinance.

Permitted Uses: Farm dwellings (one-two family or two-one family) provided resident or residents of dwelling(s) either owns, operates, or is employed on farm, farm buildings. Farm production, including farm livestock and livestock products; other animals than farm livestock for their pelts, food, pleasure, or sport; domestically raised fowl for food and pleasure; bees; field and specialty crops; fruit; nursery stock and tree farms; garden vegetables. Sump type livestock and/or poultry manure storage that prevents feed lot runoff provided that it meets state regulations regarding such facilities. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all County, State, and Soil Conservation District regulations. Railroad rights-of-way, but not including freight classification yards and buildings. Regional pipelines, power transmission lines, and relay towers subject to Section 28 (Zoning Ordinance). Temporary or seasonal roadside stands with adequate off-street parking, not to exceed one stand per farm. Forest and game management areas. Single family nonfarm dwellings, but not including residential subdivisions, and regulated by: a) No more than 1 dwelling unit (nonfarm) per quarter of a quarter section; b) No more than 4 nonfarm dwelling units per mile length on a single side of a public road; c) No nonfarm dwellings shall be permitted on land which has been historically farmed within 5 years of the date of application for a building permit and is of soil classifications I-III Class Soils; d) No dwelling units shall be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage;

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

RICE COUNTY, MINNESOTA - Continued

e) no dwelling units shall be permitted on land which has a slope of 12% or greater unless accompanied by an engineers report showing adequate footings, drainage, and grading plans; f) no dwelling units shall be permitted which would require a new public street; g) no dwelling unit shall be permitted that does not meet the Rice County Board of Health regulations. Home occupations.

Conditional Uses: One additional farm dwelling meeting health regulations. Two-family dwellings, farm or nonfarm, meeting health regulations. Temporary housing for migratory or other farm workers. Agriculture oriented businesses. Commercial outdoor recreation areas that are similiar to public recreation areas including private camp grounds. Refuse areas and sanitary land fills. Commercial grain storage and drying. Livestock sales barns and accessory facilities. Temporary equipment placement and operations as regulated (Section 28). Commercial livestock and poultry feed lots as regulated in (Section 15). Churches, chapels, cemeteries, with normal accessory buildings for education and living quarters.

Minimum Lot Size: 1 acre, minimum lot width, 175 feet.

2. Agriculture Land Retainment for Urban Expansion District (A-1), Section 16 of the Zoning Ordinance.

The primary purpose of this district is to conserve for a period of time, land for farming and other open space land uses located adjacent to or in close proximity to existing incorporated urban centers within the County where urban expansion is planned to take place in accordance with adopted land use plans prepared by the County acting in cooperation and agreement with said incorporated urban centers and their land use plans.

Permitted Uses: Same as Section 15, except no livestock and/or poultry manure storage systems are allowed and single-family dwellings are allowed without the regulations stipulated in Section 15.

Conditional Uses: Public recreation areas; sump type livestock and/or poultry manure storage systems that prevent feed lot runoff provided they meet all State agency regulations; private or commercial outdoor recreation areas that are similiar to public recreation areas; temporary equipment placement and operations as regulated (Section 28, Zoning Ordinance).

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION
RICE COUNTY, MINNESOTA - Continued

Minimum Lot Size: 1 new residential unit per 35 acres.

- B. Experience: Planners relate that program has been very effective.
- C. Other Programs: Deferred taxes.
- D. For Additional Information: Planning and Zoning Administrator,
610 North West 20th Street, Faribault, Minnesota 55021.
Tel: (507) 334-2281.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

BETHLEHEM TOWNSHIP, Hunterdon County, N.J.

In Non-SMSA County

Population '77: 2,072

Pop'n change '70-'77: + 49.6%

Pop'n per sq. mi. '77: 100

A. Description of Program

Township land development ordinance, Art. 5-C, E, Agricultural Zone adopted November 1979.

Permitted Uses: Any form of agriculture or horticulture, including the storage, processing, and sale of farm products; one-family detached dwellings as part of a farming operation; churches; municipal structures; private or public school; public parks; public or private golf courses; essential services; and home occupations.

Conditional Uses: Camps and single family dwellings.

Minimum Lot Size: Excluding the 1.5-acre building lot, 25 acres must remain in farming or agricultural use for each single family dwelling. No more than one 1.5-acre building lot may be subdivided in any given year.

B. Experience: The agricultural zone covers 4,000 acres.

In January 1980, a suit was brought against the Township by the Grand Land Company, the owner of 155 acres which was rezoned from Industrial to A-25 Agricultural.

C. Other Programs: Differential Assessment: Deferred Taxation (N.J.)

D. For Additional Information: Patti Landsperger, Clerk, Planning Board, Tel.: (201) 735-4107.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

CLATSOP COUNTY, OREGON

Non-SMSA County

Population '78: 30,480
Pop'n change '70-'78: 7.0%
Pop'n per sq. mi. '78: 39.6
Importance of Agric. ('77)
3% employed residents
2% personal income

Total land area: 771 sq. mi.
Land in farms '78: 22,624 ac. (4.6%)
Harvested cropland '78: 3,799 ac. (0.8%)
Prime farmland '67: 2.6%
Farms less than 50 ac. ('78): 42%
Mkt. value prod. per ac. ('78): \$149

A. Description of Program

Clatsop County Comprehensive Plan, adopted 1969, amendments starting 1979.

Clatsop Zoning Ordinance, adopted 1978.

1. Exclusive Farm Use Zone (EFU), Section 4.130 of the Zoning Ordinance.

Permitted Uses: a) farm uses - current employment of land for the purpose of obtaining a profit in money by raising and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. Includes the preparation and storage of the products raised and disposal by marketing or otherwise (roadside stand for farm produce); b) public or private school; c) churches; d) the propagation and harvesting of a forest product; e) utility facilities necessary for public services except commercial generating stations; f) dwellings (including mobile homes) and other buildings customary with farm use; g) temporary use of mobile home or recreational vehicle during family hardship; h) mobile home used during construction of a permitted use.

Conditional Uses: a) dwelling (including mobile homes) not provided in conjunction with farm use provided dwelling: 1) does not materially alter the stability of the overall land use pattern of the area, and 2) is situated on land generally unsuitable for the production of farm crops and livestock considering the terrain, adverse soil or land conditions, drainage, vegetation, location, and size of tract; b) commercial activity that is in conjunction with farm use; c) operations conducted for the exploration, mining, and processing of aggregate and other mineral resources or other subsurface resources; d) government or nonprofit parks, playgrounds, community centers; e) golf courses; f) home occupations (family only); g) boarding of horses; h) portable or temporary facility for the primary processing of forest products (portable chipper, stud mill, etc.) which must be located on same or continuous land parcel where timber is

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

CLATSOP COUNTY, OREGON - Continued

grown - facility may be approved for a one year period and is renewable; 1) personal use airports.

Minimum Lot Size: Homesite lots - 20,000 square feet to a maximum of 2 acres.

Maximum Allowable Density: One dwelling unit per 40 acres, not including farm dwellings and buildings.

- B. Experience: Planners report satisfaction with ordinance.
- C. Other Programs: 1) Deferred taxation; 2) right to farm; 3) statewide planning and zoning requirements.
- D. For Additional Information: Planning Director, Post Office Box 179, Astoria, Oregon 97103. Tel: (503) 325-7441.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

EAST DONEGAL TOWNSHIP, Lancaster County, Pa. in Lancaster SMSA
Population '77: 3,590 Total land area: 22.8 sq. mi.
Pop'n change '70-'77: 19.5%
Pop'n per sq. mi. '77: 157 Farmers '70: 6.7% of work force

A. Description of Program

Township Zoning Ordinance adopted November 1975.
(Similar ordinances - Warwick, adopted July 1979; Elizabeth,
July 1976; West Hempfield, March 1978; and West Donegal,
November 1979).

Permitted Uses: Agriculture, horticulture, poultry, livestock,
processing of milk produced on the premises, barns and other
accessory structures and uses. Sale of farm products, pro-
vided at least 80% of such products shall have been produced
on the property.

Conditional Uses: Municipal buildings, churches, parks, and
recreation areas, riding academies, schools, cemeteries,
country clubs.

Special Exception Uses: Home occupations.

Minimum Lot Size: One 20,000 sq. ft. lot for every 25 acres
and additional fraction thereof. One lot is permitted for
each parcel between two and 25 acres in size.

B. Experience: Agricultural District covers 10,000 acres (68%
of Township).

C. Other Programs: Differential Assessment with Deferred Taxa-
tion (Pa.)

D. For additional Information: Robert S. Yates, Chief Community
Planner, Lancaster County Planning Commission, PO Box 3480,
Lancaster, Pa. 17604. Tel: (717) 299-8333.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

ELIZABETH TOWNSHIP, Lancaster Co., Pa.

In Lancaster SMSA

Population '77: 1,828
Pop'n change '70-'77:
Pop'n per sq. mi. '77: 101

Total land area: 18.1 sq. mi.
Farmers '70: 13.6%

A. Description of Program

Zoning ordinance similar to that of E. Donegal Township.
Adopted July 1976.

B. Experience: Agricultural district covers 14 percent of the
Township.

C. Other Programs: Differential Assessment with Deferred Taxation (Pa.)

D. For Additional Information: Robert S. Yates, Chief Community
Planner, Lancaster County Planning Commission, P.O. Box 3480,
Lancaster, PA 17604. Tel.: (717) 299-8333.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

WARWICK TOWNSHIP, Lancaster Co., Pa.

In Lancaster SMSA

Population '77: 7,690

Total land area: 20.3 sq. mi.

Pop'n change '70-'77: 12.2%

Farmers '70: 6.7% of work force

Pop'n per sq. mi. '77: 379

A. Description of Program

Zoning Ordinance similar to that of E. Donegal Township.
Adopted July 1978.

B. Experience: Agricultural zoning district covers 8 percent of the Township.

C. Other Programs: Differential Assessment with Deferred Taxation (Pa.)

D. For Additional Information: Robert S. Yates, Chief Community Planner, Lancaster County Planning Commission, P.O. Box 3480, Lancaster, PA 17604. Tel.: (717) 299-8333.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

WEST DONEGAL TOWNSHIP, Lancaster Co., Pa.

In Lancaster SMSA

Population '77: 4,228 Total land area: 15.3 sq. mi.
Pop'n change '70-'77: 13.7% Farmers '70: 8.0% of work force
Pop'n per sq. mi. '77: 289

A. Description of Program

Zoning Ordinance similar to that of East Donegal Township.
Adopted November 1979.

B. Experience: Agricultural zoning district covers 46 percent
of Township.

C. Other Programs: Differential Assessment with Deferred Taxation (Pa.)

D. For Additional Information: Robert S. Yates, Chief Community
Planner, Lancaster County Planning Commission, P.O. Box 3480,
Lancaster, PA 17604. Tel.: (717) 299-8333.

NON-EXCLUSIVE AGRICULTURAL ZONING: FIXED AREA-BASED ALLOCATION

WEST HEMPFIELD TOWNSHIP, Lancaster Co., Pa. In Lancaster SMSA

Population '77: 6,501
Pop'n change '70-'77:
Pop'n per sq. mi. '77: 335

Total land area: 17.2 sq. mi.
Farmers '70: 5.2% of work force

A. Description of Program

Zoning Ordinance similar to that of East Donegal Township.
Adopted March 1978.

B. Experience: Agricultural district covers 45 percent of the Township. Four petitions for rezoning have been filed, and all have been granted. Forty-nine acres were rezoned to Residential, 6.4 acres to Commercial, and 139 acres to Industrial.

C. Other Programs: Differential Assessment with Deferred Taxation (Pa.)

D. For Additional Information: Robert S. Yates, Chief Community Planner, Lancaster County Planning Commission, P.O. Box 3480, Lancaster, Pa. 17604. Tel.: (717) 299-8333.

Mrs. Julia F. Binkley, Appointed Secretary, West Hempfield Township Board of Supervisors, 3401 Marietta Avenue, Lancaster, Pa. 17601. Tel.: (717) 285-5554.

Donald L. Kauffman, Zoning Officer, 739 Prospect Road, Columbia, Pa. 17512. Tel.: (717) 684-5510, 285-5554, or 285-5661.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

WINTERSTOWN BOROUGH, York County, Pa.

In York SMSA

Population '77: 473

Total land area: 2.3 sq. mi.

Pop'n change '70-'77: 11.6%

Pop'n per sq. mi. '77: 206

Farmers '70: 9% of work force

A. Description of Program

Borough Zoning Ordinance, Sect. 203 Rural Agricultural Zone and Sect. 204 Conservation Zone, adopted September 1977.

Uses by Right: Crops, pasture, dairying, raising of livestock, poultry or small animals, forestation or wildlife preserve, farm buildings and, in Rural Agricultural Zone only, horticultural nursery, greenhouse, and ten or fewer single family dwellings, as follows:

<u>Parcel Size</u>	<u>Number of Permitted Dwelling Units</u>
1.0 to 5.0 acres	1 per acre
5.1 to 50.0 acres	5 (total)
50.1 to 100.0 acres	7 (total)
100.1 or more acres	10 (total)

Also a single dwelling may be built on any lot approved as of September 15, 1977 (adoption date).

Uses by Special Exception: (in Rural Agricultural Zone Only) Park, non-profit recreation area, outdoor commercial recreation, campgrounds, sawmill, home occupation, church, cemetery, kennel, animal hospital, clubroom, meeting hall, public buildings and facilities, airport, sanitary landfill, junkyard.

Lot Area: In Rural Agricultural Zone; Minimum 1 acre; Maximum 1.5 acres for single family dwelling unless owner has sufficient low quality land or topography or shape requires a larger lot. In Conservation Zone, minimum 5 acres.

B. Experience: Rural Agricultural Zone covers about 750 acres (50% of Borough). No legal challenges or proposed rezoning, to date.

C. Other Programs: Differential Assessment with Deferred Taxation (Pa.).

D. For Additional Information: William J. Conn, Chief, Land Use and Development Controls District, York Co. Planning Commission, 118 Pleasant Acre Road, York, Pa. 17402. Tel: (717) 757-2647.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE/
FIXED AREA-BASED ALLOCATION

CODINGTON COUNTY, SOUTH DAKOTA

Non-SMSA County

Population '78: 19,965	Total land area: 687 sq. mi.
Pop'n change '70-'78: 4.3%	Land in farms '78: 386,862 ac. (88%)
Pop'n per sq. mi. '78: 29	Harvested cropland '78: 224,868 ac. (51%)
Importance of Agric. ('77)	Prime farmland '67: 69.2%
10% employed residents	Farms less than 50 ac. ('78): 11%
10% personal income	Mkt. value prod. per ac. ('78): \$78

A. Description of Program

Codington County Zoning Regulations, 1976.

1. Agricultural District (A), Section 4.1.

Permitted Uses: 1) animal husbandry service; 2) field crops and grassland; 3) fisheries services; 4) game propagation areas; 5) government grain storage sites; 6) horticultural services; 7) institution farms; 8) farm dwellings and farm buildings; 9) orchards and tree farms; 10) public parks and recreation areas; 11) truck gardening; 12) botanical gardens (nurseries and greenhouses); 13) one single family, nonfarm dwelling, including mobile homes for each quarter-quarter section not already containing a farm dwelling or a nonfarm dwelling; 14) veterinarians offices and animal hospitals; 15) schools; 16) home occupations.

Conditional Uses: 1) Airports and airstrips; 2) cemeteries; 3) commercial public entertainment enterprises not normally accommodated in commercial areas including, but not limited to the following: music concerts, rodeos, tractor pulls, and animal and vehicle races; 4) extractive or mining and storage of these materials; 5) private clubs; 6) sanitary land fill dumping grounds but not within 160 rods of a residence or commercial establishment; 7) sewage treatment plants, but not within 80 rods of a residence; 8) commercial livestock feed lots, poultry and fur farms, and dog kennels, but not within one mile of the city of Watertown and within eighty rods of any established residence and twenty rods of a federal, state, county, or township highway; 9) stables; 10) junk yards.

Minimum Lot Size: 35 acres, minimum width, 165 feet.

B. Experience: Roughly 85-90% of the county land area is in the agricultural district. The district, along with other zoning requirements, has curtailed residential growth in the agricultural zone. The County uses the quarter-quarter density standard along with a large minimum lot size to deter land divisions in the zone.

NON-EXCLUSIVE AGRICULTURAL ZONING: LARGE MINIMUM LOT SIZE/
FIXED AREA-BASED ALLOCATION

CODINGTON COUNTY, SOUTH DAKOTA - Continued

- C. Other Programs: Preferential assessment.
- D. For Additional Information: First Planning and Development District, 124 First Avenue, N. W., Post Office Box 1207, Watertown, South Dakota 57201. Tel: (605) 886-7224.

13. NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-
BASED ALLOCATION

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

BALTIMORE COUNTY, MARYLAND in Baltimore SMSA

Population '78: 1,496,600
Pop'n change '70-'78: -2%
Pop'n per sq. mi.: 2,514
Importance of Agric. ('77)
.8% employed residents
.3% personal income

Total land area: 595 sq. mi.
Land in farms '78: 114,756 ac. (30%)
Harvested cropland '78: 57,318 ac. (15%)
Prime farmland '67: 108,789 ac. (29%)
Farms less than 50 ac. ('78): 48%
Mkt. value prod. per ac. ('78): \$257

A. Description of Program

Baltimore County Zoning Ordinance Art. 4A, Sec. 1A01, adopted 1979.

The text of a restrictive agricultural zone has been adopted as part of the Baltimore County Zoning Ordinance. Final maps of all zones, including the agricultural (RC-2) zone, will be adopted in autumn, 1980.

Permitted Uses: Single family, detached dwellings subject to density and minimum lot requirements, farms, open space, underground lines or cables, trailers in accordance with certain provisions, accessory uses or structures including excavations, farmers' roadside stands, home occupations, certain offices or studios, piers, wharves, docks, bulkheads, radio antennas, and tenant houses.

Special Exception Uses: The following uses will be permitted if they are found not to be detrimental to the primary agricultural uses in their vicinity: airports, animal boarding places, antique shops, camps, community care centers for fewer than 15 persons, churches, controlled excavations, farmers' co-op roadside stands, fishing and shellfishing facilities, golf courses, country clubs, hunting and fishing preserves, offices for agriculture-related uses, public utility uses, research institutions, residential art salons, restaurants converted from dwellings, riding stables, sanitary landfills, schools, shooting ranges, trailers, volunteer fire company and rescue facilities, and agricultural support uses.

Minimum Lot Size: Single family detached dwellings shall be permitted on tracts of contiguous land in single ownership in accordance with the following requirements:

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

BALTIMORE COUNTY, MARYLAND in Baltimore SMSA - continued

<u>Size of Tract (ac.)</u>	<u>Number of single-family dwellings permitted</u>
2-100	A total of two lots
Over 100	One additional dwelling for each 50 acres of land

The minimum lot area for each single family dwelling is one acre.

- B. Experience: The existing agricultural zone (RC-2) covers 119,000 acres (31 percent of the county). This zone may be changed when the zoning map is revised in autumn of 1980.
- C. Other Programs: Differential Assessment: Deferred Taxation (Md.)
Agricultural Districting/PDR (Md.)
Right-to Farm Legislation (Md.)*
Differential Appraisal, Inheritance and Estate Taxation (Md.)*
Growth Management (Baltimore County)*
- D. For Additional Information: John J. Dillon, Environmental Planner, Baltimore County Office of Planning and Zoning, Towson, Md. 21204. Tel.: (301) 494-3211.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION
CARROLL COUNTY, MARYLAND in Baltimore SMSA

Population '78: 92,524
Pop'n change '70-'78: 34%
Pop'n per sq. mi. '78: 203
Importance of Agric. ('77)
6.6% employed residents
3.2% personal income

Total land area: 456 sq. mi.
Land in farms '78: 178,432 ac. (61%)
Harvested cropland '78: 107,823 ac. (37%)
Prime farmland '67: 94,830 ac. (32%)
Farms less than 50 ac. ('78): 35%
Mkt. value prod. per ac. ('78): \$243

A. Description of Program

Carroll County Zoning Ordinance, Art. 6, Sec. 6.0 to 6.7, adopted 1978.

Agricultural zoning encompassing 87% of the land outside the area which the County plans to provide with public facilities. Zone contains small villages, hamlets, and some residences, but the dominant character of the area is rural and the dominant use is agriculture.

Permitted Uses: Agriculture is the "preferred use," and as such agricultural operations are permitted at any time. Permitted uses include: all forms of agriculture, places of worship, circuses or carnivals - temporary; public or private non-commercial recreation areas and centers, forest, wildlife preserves, and other conservation areas, riding academies and stables, sawmills for timber grown primarily on the premises, schools and colleges, public buildings for recreation, culture, administration, or public service, veterinary clinics or hospitals, interim limestone extractive operations in specified areas, single and two-family detached dwellings subject to density restrictions; and uses and buildings accessory to the above, including roadside stands for agricultural products grown primarily on the premises; keeping of roomers by a resident family, living quarters for people employed on the premises, keeping of animals or fowl for pets or domestic uses, one private stable, and private parking areas.

Conditional Uses: Antique shops, airports or landing fields, beauty parlors and barber shops, cemeteries, contractor's or farmer's equipment storage, farm machinery sales and service, including welding, extractive industries, fairgrounds and race-tracks, farms for raising animals for experimental or other purposes, food processing and packing plants, kennels or animal hospitals with runways, livestock sales yards and buildings on 10 or more acres, mobile homes, public utility structures, refuse or garbage disposal areas, commercial recreation areas, trap, skeet, and rifle ranges, garden supply centers, fertilizer

EFU ZONING

CARROLL COUNTY, MARYLAND - continued

storage and sales, commercial feed and grain mills and dryers, agricultural research laboratories, and uses and buildings accessory to the above, including incidental home and farm operations and the professional office of a resident physician.

Minimum Lot Size: Single- or two-family detached dwellings are permitted in accordance with the following requirements:

<u>Size of Tract (acres)</u>	<u>New Lots Allowed</u>	<u>Remainder</u>	<u>Total</u>
Under 6	0	1	1
6-20	1	1	2
20-40	2	1	3
Over 40	1 lot for each 20-ac. increment or part thereof		

New lots created from a tract pursuant to this section may not be further divided for residential purposes.

The minimum lot area for each dwelling is one acre.

- B. Experience: The Agricultural zone ("A" District) covers 184,584 acres (63.3% of the County). In approving subdivision plans for residential purposes, the Planning Commission strongly urges that the size of lots be close to the 1-acre minimum in order to retain the greatest portion of land in agriculture.
- C. Other Programs: Differential Assessment: Deferred Taxation (Md.)
Agricultural Districting/PDR (Md.)
Right to Farm Legislation (Md.)*
Differential Appraisal Inheritance and Estate Taxation (Md.)*
- D. For Additional Information: Kenneth R. Coffey, Planner, Carroll County, 225 North Center Street, Westminster, Maryland 21157.
Tel: (301) 848-4500.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED
ALLOCATION

FREDERICK COUNTY, MARYLAND Non-SMSA County

Population '78: 107,884
Pop'n change '70-'78: 27%
Pop'n per sq. mi. '78: 165
Importance of Agric. ('77)
7.6% employed residents
4.9% personal income

Total land area: 652 sq. mi.
Land in farms '78: 252,091 ac. (60%)
Harvested cropland '78: 141,134 ac. (34%)
Prime farmland '67: 163,569 ac. (39%)
Farms less than 50 ac. ('78): 23%
Mkt. value prod. per ac. ('78): \$288

A. Description of Program

Frederick Co. Code, Art. 11, Ch. 40 Sec. 40-62 B. 2, enacted
1977.

Agricultural zoning encompassing prime agricultural lands plus
adjoining rural hinterlands which are part of the total farm
community.

Permitted Uses: "The preferred use is agriculture. The opera-
tion at any time of any machinery used in farming and all other
agricultural operations shall be permitted and have preference
over all other uses." Other permitted uses include: boarding
houses, temporary carnival or circus, cemetery, parks or rec-
reation areas, civic service, hunting or fishing clubs, elemen-
tary, secondary, or private schools, forestry, governmental
landfills or solid waste transfer stations, mobile homes,
places of worship, public buildings and property, public nur-
sery schools or day care centers, roadside stands, single
family detached residences (minor subdivision only).

Uses Requiring Site Plan Approval: Animal auction sales, civic
community centers, fairgrounds, fire and rescue facilities,
golf driving range or golf course-country club, group homes,
public utility, riding stables, sawmills, universities or
colleges.

Special Exception Uses: Agricultural products processing,
airports subject to certain requirements, animal hospital or
veterinary clinic, antique shops, archery ranges, camps or
retreats, commercial greenhouses or nurseries, communication
towers, country inns, farm equipment sales and service, feed
and grain mills, commercial kennels, motorcycle hill climbs--
temporary, private commercial day care centers, tent camp-
grounds, travel trailer park.

Minimum Lot Size: 40,000 square feet for single family dwell-
ings, mobile homes, and institutional uses; five acres for

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED
ALLOCATION

FREDERICK COUNTY, MARYLAND Non-SMSA County - continued

natural resource, animal care and service, and open space
uses.

Building Permit Requirements: Only one minor subdivision of
a maximum of three lots will be permitted to be subdivided off
an original tract of land, no matter what the acreage; there-
after, land must be rezoned before additional dwellings (other
than tenant houses) may be built.

- B. Experience: Agricultural district covers 260,000 acres (62%
of the County).
- C. Other Programs: Differential Assessment: Deferred Taxation (Md.)
Agricultural Districting/PDR (Md.)
Right-to-Farm Legislation (Md.)*
Differential Appraisal Inheritance and Estate
Taxation (Md.)*
- D. For Additional Information: Mark E. Friis, Planner, Frederick
County Planning Commission, Winchester Hall, Frederick, Md.
21701. Tel.: (301) 694-1150.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

MOUNT JOY TOWNSHIP, Lancaster County, Pa.

Population '77: 5,150
Pop'n change '70-'77: + 37.2%
Pop'n per sq. mi. '77: 175
Total land area: 29.4 sq. mi.
Farmers '70: 9.4%

A. Description of Program

Township Zoning Ordinance 801-803 adopted May 1978.

Permitted Uses: Any form of agriculture or horticulture; single family detached dwellings; parks and playgrounds; and accessory buildings.

Special Exception Uses: Home occupations, storage, processing, and sale of farm products grown on the property; and accessory buildings.

Minimum Lot Size: Single family detached dwellings shall be permitted on tracts of contiguous land in single ownership in accordance with the following requirements:

<u>Size of Tract in Acres</u>	<u>Number of Single Family Detached Dwellings Permitted</u>	<u>Number of Acres Per Dwelling Unit (range)</u>
1 but less than 7	1	1-7
7 but less than 30	2	3½-15
30 but less than 80	3	10-27
80 but less than 130	4	20-33
130 but less than 180	5	26-36
180 but less than 230	6	30-38
230 but less than 280	7	33-40
280 but less than 330	8	35-41
330 but less than 380	9	37-42
380 and over	10	38-

The minimum lot area for each single family dwelling is 20,000 sq. ft.; the maximum is 40,000 sq. ft. (this is the maximum allowable area for buildings - the lot sold may be larger provided that the remainder can still be used for farming). An amendment was passed in 1979 which stipulates that the number of dwelling units permitted shall be calculated based on the size of each tract as it existed at the time the ordinance was passed. Therefore, the number of allowable dwelling units cannot be increased by subdividing tracts.

Experience: Agricultural District covers 11,000 ac. (59% of the Township). Six petitions for rezoning have been filed to date - three have been granted, three were rejected. Two of

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

MOUNT JOY TOWNSHIP - continued

the rezonings which were granted involved extensions of residential districts; the other was for expansion of a non-conforming commercial use (the sale of dairy products).

C. Other Programs: Differential Assessment with Deferred Taxation (Pa.)

D. For Additional Information: Robert S. Yates, Chief Community Planner, Lancaster County Planning Commission, P.O. Box 3480, Lancaster, Pa. 17604. Tel: (717) 299-8333.

Richard E. Forry, Secretary, Mount Joy Township Board of Supervisors, R.D. No. 3, Box 260-A, Elizabethtown, Pa. 17022. Tel: (717) 653-4959.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

CHANCEFORD TOWNSHIP, York County, Pa.

In York SMSA

Population '77: 3,525

Pop'n change '70-'77: +13%

Pop'n per sq. mi.: 73

Total land area: 38.5 sq. mi.

Farmers '70: 12% of work force

A. Description of Program

Township Zoning Ordinance, Art. V. Agricultural District, adopted July 1979.

Permitted Uses: Agricultural, horticultural, and forest uses, animal feed lots, boarding kennels, stables, veterinary offices and hospitals, mills, sales and service of agricultural equipment and vehicles, warehousing of agricultural equipment, vehicles, produce, feed, and supplies, and single-family houses as follows.

<u>Area of Parcel of Land</u>	<u>Number of single-family dwelling units allowed</u>
up to 80,000 sq. ft.	1
80,000 sq. ft. to 15 ac.	2
15 ac. to 30 ac.	3
30 ac. to 60 ac.	4
60 ac. to 90 ac.	5
90 ac. to 120 ac.	6
over 120 ac.	6 plus 1 for each 30 ac. or part thereof over 120 ac.

Where feasible, single family dwelling units shall be located on soils of Capability Classes IIIe-3 through VIIs-2 or on land which cannot feasibly be farmed because of rock outcroppings, heavy forestation, or size or shape of lot. House lots must be at least 40,000 sq. ft., but not more than 45,000 sq. ft. unless all on soils of Capability Classes IIIe-3 through VIIs-2 or if required by physical characteristics of lot.

B. Experience: Agricultural District covers about 24,000 acres (75% of Township). A Conservation District covers about 4,800 acres (15% of Township). No rezonings or legal challenges, to date.

C. Other Programs: Differential Assessment with Deferred Taxation (Pa.)

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

CHANCEFORD TWP. - Continued

- D. For Additional Information: William J. Conn, Chief, Land Use and Development Controls **Division**, York Co. Planning Commission 118 Pleasant Acre Road York, Pa. 17402. Tel: (717) 757-2647. Burt Curry, Township Engineer, 64 N. Main Street, Red Lion, Pa. 17356. Tel: (717) 244-1756.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

CODORUS TOWNSHIP, York County, Pa.

In York SMSA

Population '77: 3,152
Pop'n change '70-'77: 14.1%
Pop'n per sq. mi. '77: 96

Total land area: 32.9 sq. mi.
Farmers '70: 12% of work force

A. Description of Program

Township Zoning Ordinance, Agricultural District, adopted Jan. 1975.

Permitted Uses: Agriculture, horticulture, forestry, and related activities, drive-in produce stands, mills, greenhouses, agricultural equipment and vehicles sales and service, warehousing of agricultural equipment, produce, vehicles and supplies, home occupations, veterinary activities, grange halls, churches.

Single family dwellings on soils of capability classes IIIe-3 through VIIs-2 (if possible); number of dwellings determined as follows:

<u>Size of Tract of Land (ac.)</u>	<u>Number of Single-Family Dwelling Units Permitted</u>
0-7	1
7-30	2
30-80	3
80-130	4

For each additional 50 acres beyond 130 and up to 380, one additional dwelling permitted. For 380 acres or more, a total of 10 dwellings is permitted.

Each building lot must contain at least 40,000 square feet and conditions to minimize the loss of agricultural land are imposed on separating building lots from original tract. New single family dwellings must be located on lots in SCS soil capability units IIIe-3 through VIIs-2 or, if that is not feasible, on higher quality soils, but in any case on the least agriculturally productive land feasible, and so as to minimize interference with agricultural production.

Special Exception Uses: Animal feed lots, boarding kennels or stables, public buildings and essential services, public utility buildings, home occupations employing no more than two non-resident employees.

B. Experience: Agricultural District covers about 19,000 acres (90% of Township). No rezonings or legal challenges to date.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

CODORUS TOWNSHIP - continued

C. Other Programs: Differential Assessment with Deferred Taxation
(Pa.)

D. For Additional Information: William J. Conn, Chief, Land Use
and Development Controls Division, York County Planning
Commission, 118 Pleasant Acre Road, York, Pa. 17402. Tel:
(717) 757-2647.

Atty. Gilbert Malone, Township Solicitor, 145 East Market
Street, York, PA 17401. Tel.: (717) 854-3801.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

HOPEWELL TOWNSHIP, York County, Pa.

In York SMSA

Population '77: 2,113

Total land area: 26.7 sq. mi.

Pop'n change '70-'77: 22%

Pop'n per sq. mi. '77: 79

Farmers '70: 11% of work force

A. Description of Program

Township zoning ordinance Sect. 203 Agricultural Zone enacted June 1974.

Permitted Uses: Farm buildings and all agricultural uses, greenhouses, nurseries, parks, open spaces, and non-profit recreational areas, forestation and wildlife preserves, houses of worship, public buildings and facilities, and one-family dwellings in an approved minor residential land subdivision (i.e., 5 or fewer existing or proposed dwelling units) or on an individual lot the dimensions of which have not changed since June 5, 1974 (adoption date).

Conditional Uses: Animal hospitals, kennels, schools, cemeteries, clubrooms, clubgrounds, meeting halls, airports, public utility buildings, and home occupations.

Minimum Lot Size: one acre.

B. Experience: The Agricultural District covers about 12,700 acres (75% of Township). A challenge to the ordinance by a landowner was upheld by the Court of Common Pleas of York County (3-2 decision with dissenting opinion) on November 30, 1979 (Ed. B. Golla et al. vs. Hopewell Township) and is now being appealed. The Court found the ordinance unconstitutional because the relationship between lot size, efficient size of farm, and farmland preservation is not clear and in addition, the Township permits 17 other uses in an agricultural zone with or without a special exception, raising the question of whether its objective in preserving tracts in their existing size is that they will be used as farms or to preserve the status quo. Subsequently, the Township has made the ordinance more restrictive by reducing the maximum number of dwelling units allowed from 5 to 2 and by removing several non-agricultural related uses from permitted list.

Five rezonings have been proposed as follows:

133 acres Agric. to Resident. - Denied	} Same tract
133 acres Agric. to Resident. - Approved	
13 acres Agric. to Commer. - Approved	
12 acres Agric. to Commer. - Approved	
5 acres Agric. to Commer. - Denied	

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

HOPEWELL TOWNSHIP - continued

C. Other Programs: Differential Assessment with Deferred Taxation (Pa.)

D. For Additional Information: William J. Conn, Chief, Land Use and Development Controls Division, York County Planning Commission, 118 Pleasant Acre Road, York, Pa. 17402. Tel: (717) 757-2647.

Attorney Gilbert Malone, Township Solicitor, 145 East Market Street, York, PA 17401. Tel.: (717) 854-3801.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

LOWER CHANCEFORD TOWNSHIP, York County, Pa. In York SMSA

Population '77: 2,300
Pop'n change '70-'77: 30.8%
Pop'n per sq. mi. '77: 54.4
Total land area: 42.2 sq. mi.
Farmers '70: 12% of work force

A. Description of Program

Township Zoning Ordinance, Agricultural District and Conservation District adopted December 30, 1976. Sections 202.0 through 203.9 and Sections 298, 298.

Permitted Uses: Crops, pasture, dairying, raising of livestock, poultry, small animals, farm buildings, greenhouses, nurseries, forestation and wildlife preserves, parks and other non-profit open spaces, accessory uses, structures and signs, and (in the agricultural district only) non-public schools, hospitals, houses of worship, and public buildings and facilities.

Uses with special permits: Outdoor recreation establishments, and in the agricultural district only, dwelling groups, when accessory to agricultural use, commercial greenhouses, cemeteries, club rooms, grounds and meeting halls, animal hospitals, kennels, and automotive garages or service stations.

Minimum Lot Size: 40,000 sq. ft.

Conditional Uses: On application to and approval by the Township Board of Supervisors with Township Planning Commission recommendations: single family dwelling units are permitted in the conservation and agricultural districts subject to the following limitations:

<u>Size of Tract of Land (ac.)</u>	<u>Number of Single Family Dwelling Units Permitted</u>
0-7	1
7-30	2
30-80	3
80-130	4
130-180	5

One additional dwelling is permitted for each additional 50 acres beyond 180 acres up to 830 acres. For larger tracts a total of 19 dwellings is allowed.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

LOWER CHANCEFORD TOWNSHIP - continued

New single family dwellings must be located on lots in SCS soil capability units III e-3 through VII s-2 or on lots which cannot feasibly be farmed because of rock, slope, size or shape. However, residential lots are to be located on the least agriculturally productive land feasible, and so as to minimize interference with agricultural production. Residential lots are limited to one acre except in unusual physical situations where additional land can or must be added.

In addition to those lots authorized above, additional lots may be permitted provided all the permitted lots and all the additional lots are located on soil of capability units IV e-5 through VII s-2 or on other lots that cannot possibly be farmed.

- B. Experience: Agricultural district covers about 11,700 acres (45% of Township). Conservation district covers about 11,700 acres (45% of Township). No rezonings applied for since effective date. No legal challenges to date.
- C. Other Programs: Differential Assessment with Deferred Taxation (Pa.)
- D. For additional information: William J. Conn, Chief, Land Use and Development Controls Division, York County Planning Commission, 118 Pleasant Acre Road, York, Pa. 17402. Tel: (717) 757-2647. Attorney Gilbert Malone, Township Solicitor, 145 E. Market Street, Pa. 17401. Tel: (717) 854-3801.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

PEACH BOTTOM TOWNSHIP, York County, Pa.

In York SMSA

Population '77: 1,687

Pop'n change '70-'77: 18.5%

Pop'n per sq. mi. '77: 56

Total land area: 29.9 per sq. mi.

Farmers:'70: 12% of work force

A. Description of Program

Township Zoning Ordinance, Agricultural District, adopted January 1976.

Uses permitted by right: agriculture, dairy, poultry, livestock, small animals, greenhouse, nursery, forestation and wildlife preserves, parks and non-profit open space, public buildings, schools, churches, and hospitals.

Uses with special permit: dwelling group when accessory to the agricultural use; commercial greenhouse, temporary saw-mill, commercial feed lot, club and meeting hall, campsites, outdoor recreation, animal hospital, kennel, cemetery, antique sales.

Conditional uses: single family dwellings if on soils of capability classes III e-3 through VII s-2 or on lands which cannot feasibly be farmed because of physical features, size or shape. Lot size shall not exceed one acre and number of lots is determined as follows:

<u>Size of Tract of Land (acres)</u>	<u>Number of Single Family Dwelling Units Permitted</u>
0 - 7	1
7 - 30	2
30 - 80	3

For each additional 50 acres beyond 80 and up to 830 one additional dwelling permitted. For 830 acres or more a total of 19 dwellings is permitted.

New single family dwelling units shall be located on lots in SLS soil capability units III e-3 through VII s-2 or on land which cannot feasibly be farmed because of rock, slope, wetness, shape or size of area. If such location is not feasible dwellings may be located on better soils but in any case on the least agriculturally productive land and so as to minimize interference with agricultural production.

In addition to those lots authorized above, additional lots may be permitted provided all the permitted lots and all the additional lots are located on soil of capability units IV e-5 through VII s-2 or on other lots that cannot possibly be farmed.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

PEACH BOTTOM TOWNSHIP - continued

- B. Experience: The Agricultural District covers about 12,700 acres (70% of Township). No legal challenges to date. One rezoning from Agricultural to Commercial proposed and approved 15-acres adjacent to existing commercial on arterial road.
- C. Other Programs: Differential Assessment with Deferred Taxation (Pa.)
- D. For additional information: William J. Conn, Chief, Land Use and Development Controls Division, York County Planning Commission, 118 Pleasant Acre Road, York, Pa. 17402. Tel: (717) 757-2647. Attorney Gilbert Malone, Township Solicitor, 145 East Market Street, York, PA 17401. Tel.: (717) 854-3801.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

SHREWSBURY TOWNSHIP, York County, Pa.

In York SMSA

Population '77: 3,100

Total land area: 29.7 sq. mi.

Pop'n change '70-'77: +81%

Pop'n per sq. mi.: 104

Farmers '70: 5% of work force

A. Description of Program

Township Zoning Ordinance Sect. 5 Agricultural District enacted November 1976.

Permitted Uses: Animal husbandry, crop farming, forestry including saw mills, horticultural activities including greenhouses, kennels, stables, feed and grain mills, veterinary office or animal hospital, cemeteries, churches, municipal buildings, private social or recreational clubs, schools, telephone, radio and television exchange towers and relay stations, fire stations, group quarters accessory to an agricultural, religious, or educational institution, single family detached dwellings as follows:

<u>Size of Parcel</u>	<u>No. of Dwellings Permitted</u>
0-5 acres	1
5-15	2
15-30	3
30-60	4
Over 60	5 plus 1 dwelling unit for each 30 ac. over 60 acres

Accessory uses also permitted, including drive-in produce stands.

Uses Permitted as Special Exceptions: Farm equipment sales, extractive operations, stockyards, specified industrial uses if owner resides on same parcel, off-lot sewage facilities, local retail activities - excluding gasoline sales and service.

Minimum Lot Area: 40,000 sq. ft. for residential.

B. Experience: The Agricultural District covers about 13,200 acres (70% of Township). No legal challenges to date.

Four proposed rezonings as follows:

13 acres Agric. & Conserv. to Indust. - Denied

40 acres Agric. to Resident. - No action yet

12 acres Agric. to Conserv. - No action yet

30 acres Agric. to Conserv. - No action yet

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

SHREWSBURY TOWNSHIP, York County, Pa. - continued

C. Other Programs: Differential Assessment with Deferred
Taxation (Pa.)

D. For Additional Information: William J. Conn, Chief, Land Use
and Development Controls Division, York County Planning
Commission, 118 Pleasant Acre Road, York, Pa. 17402. Tel:
(717) 757-2647.

Atty. Gilbert Malone, Township Planning Commission Solicitor,
145 East Market Street, York, Pa. 17401. Tel.: (717) 854-3801.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

SPRINGFIELD TOWNSHIP, York County, Pa.

In York SMSA

Population '77: 2,444

Total land area: 25.5 sq. mi.

Pop'n change '70-'77: 10%

Pop'n per sq. mi. '77: 96

Farmers '70: 9% of work force

A. Description of Program

Township Zoning Ordinance, Agricultural District and Conservation District - Adopted February 1977.

Permitted Uses: Crop farming, animal husbandry, greenhouses, kennels, stables, single family detached dwellings as follows:

<u>Size of Parcel</u>	<u>Number of dwellings permitted (including existing)</u>
0-5 acres	1
5-15 acres	2
15-30 acres	3
30-90 acres	5
90-150 acres	7
over 150 acres	7 plus 1 for each 30 acres over 150

Lots for additional dwellings shall be at least 1 acre but no more than 2 acres. Larger lots may be permitted if the entire lot is on class IVE-5 through class VIs-2 soil or on soils which cannot feasibly be farmed due to topography, size or shape.

B. Experience: The Agricultural District covers about 8,500 acres (50% of Township), the Conservation District covers about 6,000 acres (35% of Township). No legal challenges to date. One rezoning from Agric. to Commer. (75 ac.) was proposed but denied.

C. Other Programs: Differential Assessment with Deferred Taxation (Pa.).

D. For Additional Information: William J. Conn, Chief, Land Use and Development Controls Div., York County Planning Commission, 118 Pleasant Acre Road, York, Pa. 17402. Tel: (717) 757-2647.

John Gervais, Twp. Plan. Comm. & Zoning Hear. Board, RD No. 2, Seven Valleys, Pa. 17360. Tel: (717) 757-2647. (works at County Planning also)

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

WASHINGTON TOWNSHIP, York County, Pa.

In York SMSA

Population '77: 1,388 Total land area: 28.3 sq. mi.
Pop'n change '70-'77: 1.7%
Pop'n per sq. mi. '77: 49 Farmers '70: 14% of work force

A. Description of Program

Township Zoning Ordinance, Rural Residential District Sect. 300-311, Woodland Preservation District Sec. 400-409, enacted October 1977.

Uses by Right: Agricultural activities, including existing farm practices, farm buildings, single family dwellings, two family dwellings with the number of dwellings permitted as follows:

<u>Size of Tract (acres)</u>	<u>Number of single-family and/or two-family dwellings permitted</u>
0-30	3
30-60	4
60-90	5
90-120	6
120-150	7
150-180	8
180-210	9
210 and over	10

Forestation and wildlife preserves also permitted in Woodland Preservation District

Uses by Special Exception: When authorized by the Zoning Hearing Board. In both districts: parks and other recreation areas, greenhouses, nurseries, campgrounds, non-commercial kennels, clubrooms, club grounds, meeting halls, trap, skeet, rifle, or archery range, public buildings and facilities, public utility buildings, home occupations and professions. Also in Rural Residence District only: a very wide variety of uses, including retail sales, wholesale, light and general manufacturing, multi-family dwellings.

Minimum Lot Size: In Rural Residential Districts: one acre if no public sewer or water, 30,000 sq. ft. if public sewer, 20,000 if public sewer and public water. In Woodland Preservation District: 3 acres.

NON-EXCLUSIVE AGRICULTURAL ZONING: SLIDING SCALE AREA-BASED ALLOCATION

WASHINGTON TOWNSHIP - continued

Road Frontage Restrictions: (in Rural Residence District only)
No more than three allocated lots may have frontage on any existing road in the Township. If all allocated lots are clustered on a cul-de-sac two additional lots may be added to the total lot allocation.

- B. Experience: Rural Residential District covers about 14,000 acres (about 80% of Township), Woodland Preservation District covers about 3,500 acres (about 20% of Township). No legal challenges or proposed rezonings to date.
- C. Other Programs: Differential Assessment with Deferred Taxation (Pa.)
- D. For Additional Information: William J. Conn, Chief, Land Use and Development Controls Division, York County Planning Commission, 118 Pleasant Acre Road, York, Pa. 17402. Tel: (717) 757-2647.

Donald Hull, Twp. Manager, RD No. 1, East Berlin, Pa. 17316
Tel: (717) 292-2584.

14. NON-EXCLUSIVE AGRICULTURAL ZONING: CONDITIONAL USE

NON-EXCLUSIVE AGRICULTURAL ZONING: CONDITIONAL

SAN LUIS OBISPO COUNTY, CALIFORNIA

ADJACENT TO SMSA COUNTY

Population '78: 141,546	Total land area: 2,782 sq. mi.
Pop'n change '70-'78: 33.9%	Land in farms '78: 1,503,816 Ac. (84.5%)
Pop'n per sq. mi. '78: 50.9	Harvested cropland '78: 227,021 Ac. (12.8%)
Importance of Agric. ('77)	Prime farmland '67: 6.4%
N/A employed residents	Farms less than 50 ac. ('78): 42%
N/A personal income	Mkt. value prod. per ac. ('78): \$75.00

A. Description of Program

San Luis Obispo County Land Use Ordinance, Chapters 22.01 through 22.03, 22.04.

This ordinance makes virtually all uses in the agricultural area conditional. Exceptions are public works projects, repairs to buildings, fences or walls, agricultural accessory buildings (not including residential uses), and crop production and grazing. Land use permits are required for all other uses.

In order to receive a permit, an applicant must first examine the Land Use Element of the County General Plan to determine (according to a list of uses and a map) whether or not the application will be processed. If the use is not specified for the site in the Land Use Element, it will not be processed. If the use is specified for the site in the Land Use Element, the application will be processed and evaluated according to standards set forth in the Land Use Element. Each decision is made on a case-by-case basis. For any single proposed use, the application must contain a good deal of information including details on site location and dimensions, street improvements, buildings and structures, utilities, on-site improvements, landforms on the site and other information as specified on a case by case basis. The Planning Director is authorized to approve minor applications involving three or fewer dwelling units or other minor developments.

A particularly interesting feature of this ordinance is the section, 22.04.020, governing land divisions. This section sets minimum standards for land divisions including minimum allowable areas for lots created through new land divisions. For lands identified in the Land Use Element in the agricultural category, the minimum allowable area for new lots is determined by one of the two following methods: A use test where the minimum lot size is set on the basis of current agricultural use. This can range from 20 acres for irrigated row crops to 320 acres for grazing. A second method is a land capability test where the minimum lot size is set according to the land capability rating of U.S. SCS. For

NON-EXCLUSIVE AGRICULTURAL ZONING: CONDITIONAL CONTINUED

SAN LUIS OBISPO, CALIFORNIA

Class I land, the most productive soils, the minimum is 20 acres. For each lesser class, the minimum lot size increases to a maximum of 320 acres for Class VII and VIII soils. In addition, if the average size of parcels adjacent to the proposed land division are higher than the minimum set by the use test or land capability test, the minimum parcel size is set at the average size of the abutting parcels.

B. Experience

The County adopted this ordinance recently and has had little experience in working with it. Heretofore, the County relied upon a straight non-exclusive agricultural zone with large minimum lot sizes ranging up to 640 acres. This new ordinance represents a substantial departure for the County from their previous regulatory approach.

C. Other Programs: Williamson Act, Coastal Commission

D. Additional Information

Planning Director
San Luis Obispo County
San Luis Obispo, California

NON-EXCLUSIVE AGRICULTURAL ZONING: CONDITIONAL USE

STOW CREEK TOWNSHIP, Cumberland County, N.J. In Vineland SMSA

Population '77: 1,168
Pop'n change '70-'77: + 11.2%
Pop'n per sq. mi. '77: 61

A. Description of Program

Township Zoning Ordinance adopted January 1979.

Permitted Uses: Farm and agricultural activities, including nurseries and raising small animals and livestock; sale of farm or dairy produce which has been raised on the farm from which it is sold; single family detached housing on an existing public road for the farm owner and his family or for the purpose of housing an individual or family employed full- or part-time in an immediately adjacent farm or under the same ownership as an immediately adjacent farm; home occupations.

Conditional Uses: Other single family detached dwellings if the land to be used is not prime farmland (Class I, II, III soils) or if the land is not suitable for farming due to reasons which may include, but are not limited to, shape of parcel, acreage owned, and significant existing adjacent development.

B. Experience: In Stow Creek, local government business is conducted as a part-time activity by residents out of their homes; the township government does not have an office. A survey by the Planning Board of all residents (60 percent response rate) indicated that 93 percent were in favor of special efforts to preserve farmland. The only subdivision to be completed in the town in recent years made a bad impression on Township residents. Drainage problems occurred during construction and the roads were not built to standard.

The Township considered other methods of preserving farmland (such as PDR or TDR) too complex to be carried out with their limited governmental capacity.

C. Other Programs: Differential Assessment: Deferred Taxation (N.J.)

D. For Additional Information: Ken Wishnick, Cumberland County Planning Board, Tel.: (609) 451-8000.

NON-EXCLUSIVE AGRICULTURAL ZONING: CONDITIONAL

STEELE COUNTY, NORTH DAKOTA - FINLEY TOWNSHIP

Non-SMSA County

Population '78: 3,567

Pop'n change '70-'78: -4.8%

Pop'n per sq. mi. '78: 5.04

Importance of Agric. ('77)

42% employed residents

n/a personal income

Total land area: 707 sq. mi.

Land in farms '78: 475,328 (105%*)

Harvested cropland '78: 329,195 ac. (73%)

Prime farmland '67: 77.88%

Farms less than 50 ac. ('78): 2%

Mkt. value prod. per ac. ('78): \$67

A. Description of Program

Finley Township Official Zoning Ordinance, adopted 1978.

Agricultural District, Article IV, Section II.

Permitted Uses: Agriculture and agricultural buildings, including farm dwellings, cemeteries, churches, existing railroad rights-of-way, home occupations, accessory uses to the permitted uses.

Conditional Uses: The following conditional uses and their accessory uses are permitted subject to the stipulation of the zoning board - nonfarm dwellings, schools, sanitary disposal facilities including land fills, mining or gravel removal, feed lots, junk yards, radio or T.V. towers, utility lines and substations in accordance with the appropriate provisions of this ordinance, parks or other open land recreational use.

Minimum Lot Size: None

B. Experience: Ordinance has been effective in restricting development in agricultural district.

C. Other Programs: 1) Define taxable estate to be same as the federal taxable; 2) preferential assessment.

D. For Additional Information: Lake Agassiz Region, 1621 South University Drive, Fargo, North Dakota 58103.
Tel: (701) 235-7885.

*According to the Bureau of the Census, there is a reporting error in the category "Land in Farms". Lands were included which: (a) were located in adjoining counties; (b) were owned by the Federal government; or, (c) both.

NON-EXCLUSIVE AGRICULTURAL ZONING: CONDITIONAL

MARION COUNTY, OREGON In Salem SMSA

Population '78: 182,174
Pop'n change '70-78: 20%
Pop'n per sq. mi. '78: 226
Importance of Agric. ('77)
8.4% employed residents
5.6% personal income

Total land area: 806 sq. mi.
Land in farms '78: 307,877 ac. (60%)
Harvested cropland '78: 188,471 ac. (37%)
Prime farmland '67: 199,993
Farms less than 50 ac. ('78): 57%
Mkt. value prod. per ac. ('78): \$402

A. Description of Program:

Marion County Zoning Ordinance

1. Exclusive Farm Use Zone (EFU):

Limits uses to farms, forestry, utility facilities and those dwellings customarily provided in conjunction with farm use.

Farm use is defined by state law centering on large parcels and potential profit. "Hobby Farms" are not a bona fide farm use.

No minimum lot size exists but guidelines ranging from 40 to 100 acres "shall be considered".

One dwelling per parcel is generally allowed. State law requires that all Classes I-IV Soils (SCS) land be zoned EFU.

2. Other Districts:

a.) Special Agriculture Zone (SA)

Uses include farms, forestry, utilities and those dwellings customarily provided in conjunction with farm use. The zone is designed for smaller parcels and lands of lower productivity.

A farm is defined as a unit that produces a minimum of \$1,000 in gross annual agricultural income.

Generally one dwelling per parcel is allowed.

b.) Timber Conservation Zone (TC)

Allowed uses include commercial forestry, farms, game management, utilities and homes.

A farm is defined as a unit that produces at least \$1,000 in gross annual income.

B. Experience: 83% to 93% of agricultural land in EFU zone. Politically the County's zoning effort has received considerable support. Court rulings have supported the program.

C. Other Programs: Differential Assessment: Deferred Taxation
(OR.) Differential Appraisal for State Inheritance and
Estate Taxation (OR.)

D. For Additional Information: Marion County Department of
Community Development Planning Division, 220 High N.E., Salem,
Oregon. Telephone: (503)588-5038.

NON-EXCLUSIVE AGRICULTURAL ZONING: CONDITIONAL

POLK COUNTY, OREGON

SMSA COUNTY

Population '78: 43,690
Pop'n change '70-'78: 23.6%
Pop'n per sq. mi. '78: 65.2
Importance of Agric. ('77)
16% employed residents
7% personal income

Total land area: 669 sq. mi.
Land in farms '78: 194,638 ac. (45%)
Harvested cropland '78: 106,220 ac. (24.8%)
Prime farmland '67: 17.8%
Farms less than 50 ac. ('78): 44%
Mkt. value prod. per ac. ('78): \$156

A. Description of Program

Polk County Zoning Ordinance, adopted 1973, last amended, 1979.

1. Exclusive Farm Use Zone (EFU), Chapter 136 of the Zoning Ordinance.

Permitted Uses: a) farm uses; 2) single family dwelling or mobile home in conjunction with farm use; c) temporary use of mobile home or travel trailer during hardship conditions; d) accessory buildings, not dwellings or mobile homes normally required in connection with farm use; e) churches; f) public or private schools; g) public service utility facilities except commercial generating facilities; h) temporary use of mobile home during construction; i) the propagation or harvesting of a forest product; j) boarding of horses.

Conditional Uses: a) commercial utility generating facilities; b) conditional home occupation; c) commercial activities in conjunction with farm use; d) operations conducted for the exploration, mining, and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources; e) private parks, playgrounds, hunting and fishing preserves and campgrounds; f) parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization; g) golf courses; h) personal use airports; i) dwellings or mobile homes customarily provided in conjunction with farm use; j) solid waste disposal site or transfer station; k) nonfarm dwellings subject to ORS 215.213 (3) (a) (b) (c) (d).

B. Experience: Planners report satisfaction with results of program.

C. Other Programs: 1) deferred taxation; 2) right to farm; 3) statewide planning and zoning requirements.

D. For Additional Information: Polk County Courthouse, Dallas, Oregon 97338. Tel: (503) 623-8171.

NON-EXCLUSIVE AGRICULTURAL ZONING: CONDITIONAL USE

CLAY TOWNSHIP, Lancaster Co., Pa. in Lancaster SMSA
Population '77: 3,132 Total land Area: 23.1 sq. mi.
Pop'n change '70-'77: 10.6%
Pop'n per sq. mi. '77: 289 Farmers '70: 8.4% of work force

A. Description of Program

Township Zoning Ordinance, Rural Residential District, Sect. 402, adopted January 1976. Amended 1977.

Intended Purpose: The regulations for this District are intended to protect those areas in the Township that consist of Class I and II agricultural soils, streams, floodplains, and slopes greater than 20%. Since the Township does not wish to totally restrict all urban development in this District, it is proposed that low density development be encouraged which is compatible with farm operations.

Permitted Uses: Farms; public park and recreation areas; and customary accessory uses and buildings, including single family dwellings incidental to the above permitted uses and other single family dwellings if they meet each of 20 requirements. Among these requirements are that the soil of the lot is not suitable for tilling (e.g., is rocky, wasteland, or something similar), the premises have never been used for tilling, the dwelling will not be within 500 feet of an intensively used agricultural facility, and that "this permitted use shall be strictly interpreted. Any doubt shall be interpreted against the applicant."

Minimum Lot Area: 40,000 sq. ft.

Special Exceptions: churches, schools, private parks and recreation areas; medical and dental clinics; extraction of natural resources; public utility and communication structures; kennels; motels; intensively used facilities for poultry and animal raising.

- B. Experience: Rural Residential covers 6,200 ac. (42% of Township)
- C. Other Programs: Differential Assessment with Deferred Taxation (Pa.)
- D. For additional information: Robert S. Yates, Chief Community Planner, Lancaster Co. Planning Commission, P.O. Box 3480, Lancaster, PA 17604. Tel: (717) 299-8333.

NON-EXCLUSIVE AGRICULTURAL ZONING: CONDITIONAL

MINNEHANA COUNTY, SOUTH DAKOTA

SMSA COUNTY

Population '78: 103,146
Pop'n change '70-'78: 8.3%
Pop'n per sq. mi. '78: 127.8
Importance of Agric. ('77)
4% employed residents
4% personal income

Total land area: 807 sq. mi.
Land in farms '78: 446,339 ac. (86%)
Harvested cropland '78: 312,627 ac. (61%)
Prime farmland '67: 49.9%
Farms less than 50 ac. ('78): 18%
Mkt. value prod. per ac. ('78): \$158

A. Description of Program

Agricultural District (A-1), Article VII.

Permitted Uses: a) agricultural activities and farm related buildings; b) farm dwellings; c) forestry, including greenhouses and nurseries; d) public parks and public recreation areas; e) accessory buildings in conjunction with main buildings; f) historic sites; g) mobile homes when located within the perimeter of a farmstead and occupied by farm employees or relatives of the farm owner.

Conditional Uses: a) extraction of rock, sand or gravel provided such uses meet requirements of State Law; b) rock crushers, concrete and asphalt mixing plants provided: 1) such use is accessory to a rock, sand or gravel operation, 2) the rock, sand or gravel extracted from the site is used in the finished product, 3) adequate safeguards are afforded to surrounding property; c) airports and heliports; d) public buildings erected by a governmental entity; e) private outdoor recreation facility; f) church or cemetery; g) golf course; h) nonfarm single family dwelling, provided that the dwelling will not be located within a subdivision as defined by the zoning regulations; i) sanitary land fill; solid waste receiving station; j) animal feed lot; k) livestock sales ring; l) processing of agricultural products; m) riding academies, stables and dog kennels; n) roadside stand; o) sewage treatment facilities; p) trap shoot facilities.

Minimum Lot Size: 1 acre; minimum lot width, 125 feet.

B. Experience: Minnehaha County and the City of Sioux Falls exercise joint planning and zoning authority over a three mile area extending beyond the City's limits. This three mile area is governed by this "conditional" ordinance.

C. Other Programs: City of Sioux Falls, South Dakota, Code of Ordinances, 1979. See Case Study No. 11

1. Rural District (RU), Chapter 15.401.

Permitted Uses: a) Agricultural activities and farm related buildings; b) farm dwellings; c) greenhouse, nursery, or

NON-EXCLUSIVE AGRICULTURAL ZONING: CONDITIONAL CONTINUED

MINNEHAHA, SOUTH DAKOTA

forest preserve with retail sales allowed for products raised on the premises only; d) public parks and public recreation areas; e) additional farm dwellings including mobile homes provided such structure shall be located within the perimeter of a farmstead and occupied by farm employees or relatives of the farm owner; f) historical sites; g) day care; h) family day care; i) group day care.

Conditional Uses: a) extraction of rock, sand or gravel, provided such uses meet state law; b) rock crushing, concrete and asphalt mixing plants provided - 1) such use is accessory to a rock, sand or gravel operation; 2) the rock, sand, or gravel extraction from the site is used in the finished product; and 3) adequate safeguards are afforded to surrounding properties; c) airports and heliports; d) public structures erected by a governmental agency; e) a privately operated outdoor recreational facility including lake, swimming pool, tennis court and trap shoot; f) church and/or new cemetery on a site of not less than 20 acres or enlargement of an existing cemetery; g) a miniature course and golf driving range; h) a nonfarm single-family dwelling provided that the dwelling will not be located within a subdivision as defined by the zoning regulations; i) sanitary land fills and a solid waste receiving station; j) animal feed lot; k) livestock sales ring; l) campsites, as regulated; m) riding academy, stables and dog kennel; n) temporary roadside stand for the display or sale of agricultural products raised on the premises; o) sewage treatment facility.

Minimum Lot Size: 1 acre - minimum lot width, 125 feet.

2. Preferential Assessment.

D. For Additional Information: Office of Planning and Zoning,
224 West 9th, Sioux Falls, South Dakota 57102.
Tel: (605) 339-7130.

NON-EXCLUSIVE AGRICULTURAL ZONING: CONDITIONAL

WHITMAN COUNTY, WASHINGTON

Adjacent SMSA County

Population '78: 37,460
Pop'n change '70-'78: -1.2%
Pop'n per sq. mi. '78: 17.6
Importance of Agric. ('77)
17% employed residents
19% personal income

Total land area: 2,127 sq. mi.
Land in farms '78: 1,376,000 ac. (101%*)
Harvested cropland '78: 778,762 ac. (57%)
Prime farmland '67: 7.9%
Farms less than 50 ac. ('78): 11%
Mkt. value prod. per ac. ('78): \$86

A. Description of Program

Whitman County Comprehensive Plan, adopted 1978.

Whitman County Zoning Ordinance, adopted 1979.

1. Agricultural District, Chapter 19.10 of the County Ordinance.

Permitted Uses: 1) agriculture, cropping, grazing, dairying, horticulture, floriculture, and all practices common or incidental to agriculture; 2) single family dwellings (as subject to provisions of this chapter); 3) temporary stands for the sale of agricultural nonlivestock products produced on the premises; 4) accessory uses and structures common or incidental to agricultural or residential use; 5) home occupations (employing not more than one nonresident and employing only permitted accessory uses and structures); 6) rock quarrying and crushing - not less than 2,500 feet from existing residential use or incorporated community; 7) feed lots - not less than one mile from incorporated or unincorporated community and subject to animal density restrictions.

Conditional Uses: Public utility facilities; substations, generators, storage and transportation; private and public recreational facilities; churches; airstrips; solid waste site or transfer station; feed lots (as not permitted elsewhere in Zoning Ordinance); commercial grain elevators; veterinary clinics, horse boarding, kennels; one additional residential structure which is required for family or hired employees in conjunction with an agricultural use; rock quarrying or crushing not permitted elsewhere in Zoning Ordinance; any nonagricultural home occupation which requires outdoor storage, outdoor storage of materials greater than 500 square feet, or more than two trucks or pieces of equipment.

Minimum Lot Size: None

Rural Residential Use in the Agricultural District: one single family dwelling or mobile home shall be a permitted use on a lot determined on a case-by-case basis whenever the requirements of this section (19.10.060 - County Zoning Ordinance) are fulfilled.

*See following page.

NON-EXCLUSIVE AGRICULTURAL ZONING: CONDITIONAL CONTINUED

WHITMAN COUNTY, WASHINGTON

Requirements: a) two of the following three conditions must exist: 1) subject lot is underlain by basaltic, alluvial, or crystalline surface geology as indicated by the State of Washington, Department of Ecology and Soil Conservation Service soil surveys; 2) subject lot has not been cultivated, used for production of commercial forage, commercial livestock or subjected to any agricultural practice designed to produce a product for sale in the preceeding three years; 3) subject lot is within a distinct area of land of 15 acres or less which is of insufficient size, quality and/or accessibility to be efficiently used for agricultural production for income.

b) all the following requirements must be met: 1) frontage on county or state road not less than 200 feet; 2) frontage on perennial surface water not less than 200 feet if such surface water passes through or along any boundary of the lot; 3) less than one-half the area of the lot shall be in a flood hazard or floodway area; 4) construction plans shall leave a maximum amount of existing vegetation undisturbed; 5) County Department of Environmental Health Standards for water and sewage must be met.

B. Experience: Whitman has found considerable success in protecting their designated land through the conditional approach. Nearly 95% of the County's land area is in the agricultural district.

C. Other Programs: State of Washington "1970 Open Space Taxation Act."

D. For Additional Information: Whitman County Regional Planning Council, Room 8, ONB Building, Colfax, Washington 99111.
Tel: (509) 397-4303.

*According to the Bureau of the Census, there is a reporting error in the category "Land in Farms". Lands were included which: (a) were located in adjoining counties; or, (b) were in Federal ownership but leased out for agricultural use; or, (c) both.

15. EXCLUSIVE AGRICULTURAL ZONING

EXCLUSIVE AGRICULTURAL ZONING

SANTA CRUZ COUNTY, CALIFORNIA In Santa Cruz SMSA

Population '78: 173,342
Pop'n change '70-78: 40%
Pop'n per sq. mi. '78: 395
Importance of Agric. ('77)
1.0% employed residents
0.6% personal income

Total land area: 440 sq. mi.
Land in farms '78: 51,123 ac. (18%)
Harvested cropland '78: 18,806 ac. (7%)
Prime farmland '67: 16,415 ac. (6%)
Farms less than 50 ac. ('78): 76%
Mkt. value prod. per ac. ('78): \$1,657

A. Description of Program

Santa Cruz County Code, Ordinances Nos. 2621, 2622, 2771, and 2813, all of 1179

1. Zones:

For the most productive farmland, "Type 1a," the County Board of Supervisors is committed by ordinance to rejecting rezoning petitions, opposing the extension onto such land of sewer or water district boundaries, and to rejecting land division applications unless they "will not hamper or discourage long-term commercial agricultural operations."

Lower-classified land (types 1b and 2a to 2d) is that found to have some physical or fiscal impediment to viable farming, such as inadequate parcel size or water availability, and inclusion in a utility assessment district where non-agricultural development may be necessary to cover bond indebtedness.

Parcels in such assessment districts may be developed if cluster design criteria are applied so as to preserve "as much of this agricultural land as possible."

Land in this group of classes may be developed only after a case-by-case review for development to be approved. Such reviews (made by an Agricultural Land Review Committee) must determine-- after examining the subject parcel's soil capabilities, size, and other determinants of agricultural viability--that "the land is not viable...and is not likely to become viable in the next 10 years."

2. Buffering farm operations:

Subjecting non-agricultural development within 200 feet of the boundaries of farmland to setback requirements (up to 200 feet) and to such other conditions as mandatory fencing or sodding of the land.

Discouraging nuisance complaints and suits: Before receiving a building permit for a parcel adjacent to agricultural land, the applicant must acknowledge, in the deed or another formal statement, that nearby farming operations may produce undesirable dust, smoke, noise and odors, but that "residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations."

B. Experience: No data

D. Other Programs: Differential Taxation: Restrictive Agreements
(Ca.)

D. For Additional Information: Community Resources Agency, County
of Santa Cruz, 701 Ocean Street, Santa Cruz, California,
95060 . Telephone: (408)425-2194.

EXCLUSIVE AGRICULTURAL ZONING

BOONE COUNTY, ILLINOIS Non-SMSA County

Population '78: 26,971
Pop'n change '70-78: 6%
Pop'n per sq. mi. '78: 95
Importance of Agric. ('77)
8.3% employed residents
2.0% personal income

Total land area: 283 sq. mi.
Land in farms '78: 168,383 ac. (93%)
Harvested cropland '78: 142,445 ac. (79%)
Prime farmland '67: 134,959 ac. (75%)
Farms less than 50 ac. ('78): 20%
Mkt. value prod. per ac. ('78): \$233

A. Description of Program:

Boone County Zoning Ordinance, as amended May 1978 and June 1979

1. A-1 (Prime Agricultural) District

For land with Class I and II soils, as rated by USDA's Soil Conservation Service. The minimum legal parcel for this district is defined, not in terms of acreage, but in terms of production income. To qualify, parcels must produce \$10,000 in gross annual income from agricultural activities.

Non-farm residences are not permitted, either by right or by special-use permit, except that, in the case of farm consolidation, farm dwellings existing at the time of the effective date of the zoning ordinance may be severed from the farmland. In other words where the person buying the land does not need the farm house, the seller can retain it, living there himself, renting it, or selling it; and the occupants need not be a farm family.

2. A-2 (Rural Residential) District

For individual non-farm residences in areas designated by the county's Land Use Plan for agricultural use, but where the land is found to be unsuitable for farming.

To be rezoned from A-1 to A-2, land must be found to be unsuitable in terms of (A) its soils (less than 25 percent in Class I and II or less than 50 percent is in classes I, II, and III); (B) its slope (land with 50 percent or more classes I-III soils may be rezoned if its slope exceeds 6 percent); (C) the "existence of man-made and physical features which may serve as barriers to farm operation"; and/or (D) tree cover (tracts with 20 percent or more of its acreage in woods may be rezoned; an acre of land is considered to be wooded "if 10 percent or more of the acre is stocked with trees."

In addition, to be rezoned, the land must be at least one acre in size but not more than five; and it must contain at least 40,000 square feet of "buildable soils" (i.e., suitable for septic systems), with those soils listed in the ordinance (in Section 5.104).

Residential subdivisions are not permitted. A subdivision is "any division of land into two or more parts."

B. Experience: No data

C. Other Programs: Differential Assessment: Deferred Taxation
(Il.) Agricultural Districting (Il.)

D. For Additional Information: Belvidere and Boone County Regional
Planning Commission, Boone County Courthouse, Belvidere, IL.
61008. Telephone: (815)544-5271.

EXCLUSIVE AGRICULTURAL ZONING

DE KALB COUNTY, ILLINOIS Non-SMSA County

Population '78: 71,021
Pop'n change '70-78: -0.8%
Pop'n per sq. mil. '76: 112
Importance of Agric. ('77)
8.1% employed residents
2.3% personal income

Total land area: 636 sq. mi.
Land in farms '78: 378,114 ac. (93%)
Harvested cropland '78: 329,816 ac. (81%)
Prime farmland '67: 377,982 (93%)
Farms less than 50 ac. ('78): 12%
Mkt. value prod. per ac. ('78): \$242

A. Description of Program:

De Kalb County Zoning Ordinance

Agricultural District (A):

A farm is defined as a parcel of at least 40 acres or a parcel which yields a gross annual income of at least \$10,000.

Uses within this district are restricted to farms and related agricultural activities.

Agricultural land may be rezoned only if it exists within growth boundaries around municipalities as designated by De Kalb County's Comprehensive Plan.

Rural Residence District (RR):

This district is created by rezoning agricultural land which is clearly not suitable for agricultural uses because of poor soils, steep slopes or man-made or natural physical barriers.

All uses permitted in the Agricultural District are allowed.

Single family dwellings are allowed on lots of at least one acre, but not more than five acres.

The exact acreage requirement is determined by the County Board on a case by case basis, subject to the following criteria:
(1) topography, (2) septic system suitability, (3) provisions for public sewer and water installations, (4) soil types, (5) surface water drainage patterns, and (6) vegetation and ground cover.

B. Experience:

The comprehensive plan designates about 90% of the county for agricultural use. A study of rezoning decisions, 1972-78, indicates that development was largely restricted either to the 10 percent of the county's land surface designated for nonagricultural uses or to areas in the agricultural zone which we found to be unsuitable for commercial farming (i.e., soils were poor, the land was covered with timber).

C. Other Programs: Differential Assessment: Deferred Taxation
(11.) Agricultural Districting (11.)

D. For Additional Information: County Planning Director,
De Kalb County Planning Department, Courthouse Annex, Sycamore,
Illinois 60178. Telephone: (815) 895-9161.

EXCLUSIVE FARM USE ZONING

CITY OF AUBURN, Androscoggin Co., Me.

In Lewiston-Auburn SMSA

Population '76: 23,106
Pop'n change '70-'76: - 4.3%
Pop'n per sq. mi. '76: 379

A. Description of Program

City of Auburn Zoning Ordinance, Ch. 29, Sec. 4.13. as amended 1975.

Agricultural and resource protection zoning encompassing farm and forest lands outside of the city core. These areas are to be protected because of their aesthetic and scenic value, their economic contribution to the city, and because uncontrolled development could result in an economic burden on the city.

Permitted Uses: Agriculture or horticulture and accessory buildings; harvesting of forest products and establishment of sawmills incidental to such harvesting; raising of livestock and poultry on land ten acres or more; veterinary hospitals on land ten acres or more; bona-fide residences required for farm labor or management (at least 50 percent of the occupant's income must be derived from agricultural activities or at least ten acres of the proposed farm must be devoted to the production by the occupant of field crops or grazing of the occupant's livestock); municipal sanitary landfill.

Conditional Uses: Public recreation.

B. Experience: Agriculture and Resource Protection Zones cover approximately 14,000 acres (30 percent of the jurisdiction).

C. Other Programs: Differential Assessment: Deferred Taxation (Me.)

D. For Additional Information: James McPhee, Zoning Officer
Tel.: (207) 786-2421.

EXCLUSIVE AGRICULTURAL ZONING

VELVA, NORTH DAKOTA

Non-SMSA

Population '78: 1,101	Total land area: .70 sq. mi.
Pop'n change '70-'78: -11.3%	Land in farms '78: 100 ac. (22%)
Pop'n per sq. mi. '78: 1572	Harvested cropland '78: N/A
Importance of Agric. ('77)	Prime farmland '67: N/A
N/A employed residents	Farms less than 50 ac. ('78): N/A
N/A personal income	Mkt. value prod. per ac. ('78): N/A

A. Description of Program

Velva Zoning Ordinance, adopted 1978.

Agricultural District, Section III.

Permitted Uses: General farming activities; buildings and structures incidental to farm operations; churches and facilities related to the religious institutions; public parks and playgrounds; public and parochial schools; temporary structures incidental to construction work not extending beyond the period of such work; golf courses; utility lines and facilities for public service.

Conditionally Permitted Uses: Cemeteries; animal hospitals and veterinary clinics; grain elevators; airports; radio and television towers and accessory buildings; mineral extractions; sanitary land fills and incinerator sites; skeet, trap and rifle ranges; tourist-trailor court shall contain a minimum of two acres of land and a maximum of (15) campsites per gross acre; raising and grazing of farm animals.

Minimum Lot Size: None

- B. Experience: Ordinance has been effective in preserving agricultural land in Velva City.
- C. Other Programs: 1) Define taxable estate to be same as the Federal Taxable; 2) preferential assessment.
- D. For Additional Information: Souris Basin Planning Council, 2001 Valker Road, Minot, North Dakota 58701. Tel: (701) 839-6641.

EXCLUSIVE AGRICULTURAL ZONES: ENABLING AUTHORITY

STATE OF OREGON

Population '78: 2,443,839	Total land area: 45,608 sq. mi.
Pop'n change '70-'78: 16.85%	Land in farms '78: 18,419,254 Ac. (63%)
Pop'n per sq. mi. '78: 53.6	Harvested cropland '78: 3,290,346 Ac. (11.3%)
Importance of Agric. ('77)	Prime farmland '67: 9.4%
6% employed residents	Farms less than 50 ac. ('78): 51%
2% personal income	Mkt. value prod. per ac. ('78): \$70.00

A. Description of Program

ORS Sec 215.203 to 215.213, 215.253 to 215.263

These sections allow counties to adopt exclusive agricultural zones as part of their zoning ordinance so long as the zones are consistent with their comprehensive plan. The zones may include both farm and non-farm uses, but the non-farm uses are limited to such things as schools, churches, forestry, and utilities. The sections also contain right-to-farm language, protecting farm operations from interference by the actions of local or state agencies. Land in this zone is eligible for preferential assessment, and these exclusive agricultural zones are tied to the State's comprehensive planning and zoning program.

B. Experience

See Case Study Number 16

C. Other Programs: Integrated State Program of Incentives and Controls, Preferential Assessment.

D. Additional Information:

Land Conservation and Development Commission
State of Oregon
Salem, Oregon 97310

EXCLUSIVE AGRICULTURAL ZONING

UTAH COUNTY, UTAH In Provo-Orem SMSA

Population '78: 185,418	Total land area: 1,060 sq. mi.
Pop'n change '70-78: 35%	Land in Farms '78: 435,317 ac. (64%)
Pop'n per sq. mi. '78: 175	Harvested cropland '78: 94,966 ac. (14%)
Importance of Agric. ('77)	Prime farmland '67: 47,347 ac. (7%)
4.6% employed residents	Farms less than 50 ac. ('78): 59%
1.5% personal income	Mkt. value prod. per ac. ('78): \$118

A. Description of Program

Revised Zoning Ordinance for Utah County, Utah

Agricultural Zone (A-1):

Examples of permitted agricultural activities include: production of fruit and crops, care and keeping of livestock, fowl, fish, and bees, and location of related buildings and structures.

"Primary farm dwellings" may be located on farm units engaged in crop or fruit farming with assessed value of at least \$4,000 or on livestock or poultry farm units where the minimum assessed value of the animals ranges from \$1500-\$2150.

All primary farm dwellings which are not located on the farm unit must: 1) receive special approval from the Planning Commission, 2) not be more than one mile from the farm unit, and 3) be located on a lot of at least one acre and at least 200 feet wide.

"Secondary farm dwellings" may be located on farm units which are at least \$8,000 in assessed value or which have livestock with minimum assessed values ranging from \$3,000 to \$4,300.

All secondary farm dwellings must in addition be occupied by families whose major sources of income are derived from the agricultural pursuits of the farm units on which the dwellings are located.

B. Experience: no data

C. Other Programs: Differential Assessment: Deferred Taxation (UT.)

D. For Additional Information: Utah County Planning Commission, 188 East Center, Provo, Utah, 84601. Telephone: (801)373-5510 Ext. 340.

EXCLUSIVE AGRICULTURAL ZONING

CARBON COUNTY, WYOMING

Non-SMSA County

Population '78: 19,042
Pop'n change '70-'78: 42.6%
Pop'n per sq. mi. '78: 5.3
Importance of Agric. ('77)
6% employed residents
2% personal income

Total land area: 3,580 sq. mi.
Land in farms '78: 2,817,516 ac. (123%*)
Harvested cropland '78: 110,486 ac. (4.8%)
Prime farmland '67: 0%
Farms less than 50 ac. ('78): 1%
Mkt. value prod. per ac. ('78): \$13

A. Description of Program

Carbon County Zoning Ordinance

Ranching, Agriculture, and Mining District (R-A-M), Section 300 of the Zoning Ordinance.

Permitted Uses: 1) general commercial ranching, agriculture, farming, and their related residences, uses and facilities and animal husbandry relative to above activities; 2) churches and Sunday schools; 3) public parks and playgrounds; 4) cemeteries; 5) ore beneficiation, milling and quarrying with proof of state permit; 6) oil, gas and mineral exploration, development and production; 7) logging; 8) buried underground utility lines and facilities and overhead electrical transmission lines of 69,000 volts or less.

Special Permit Uses: 1) airport and radio transmitting stations; 2) institutions, rest homes, hospitals, clinics; 3) public buildings and schools; 4) public facilities and utilities limited to above ground structures including sewage treatment and water supply facilities, sanitary land fill operations, substations, distribution and regulator stations and overhead electrical transmission lines of over 69,000 volts - all conforming to State Health Department requirements; 5) membership clubs; 6) automobile trailer courts; 7) public and commercial recreation areas and facilities, including fishing ponds and campgrounds; 8) any use, building, or structure proposed in an area classified as a scenic corridor.

Accessory Uses: 1) customary accessory structures and uses; 2) signs; 3) home professional office, home occupations, and private swimming pools; 4) boarding or lodging house.

Minimum Lot Size: 1 acre.

B. Experience: The County adopted this district in 1972 to ease development pressure in unincorporated areas. Presently, 97% of the County is covered by this district.

C. Other Programs: Preferential assessment.

*See following page.

EXCLUSIVE AGRICULTURAL ZONING

CARBON COUNTY, WYOMING - CONTINUED

D. For Additional Information:

Carbon County Planning Commission
Post Office Box 149
Rawlins, Wyoming 82301

*According to the Bureau of the Census, there is a reporting error in the category "Land In Farms". Lands were included in this category which: (a) were located in adjoining counties; or, (b) were owned by the Federal government; or, (c) both.

16. PURCHASE OF DEVELOPMENT RIGHTS

PURCHASE OF DEVELOPMENT RIGHTS

CONNECTICUT

Population '78: 3,098,584
Pop'n change '70-'78: 2.2%
Pop'n per sq. mi. '78: 637
Importance of Agric. ('77)
0.9% employed residents
0.5% personal income

Total land area: 4,852 sq. mi.
Land in farms '78: 501,419 ac. (16%)
Harvested cropland '78: 178,476 ac. (6%)
Prime farmland '67: 502,821 ac. (16%)
Farms less than 50 ac. ('78): 48%
Mkt. value prod. per ac. ('78): \$456

A. Description of Program

Conn. Gen. Stat. Sec 22-26aa to 22-26hh, enacted 1978.

State pilot program for purchase of development rights on farmland throughout Connecticut.

Eligibility: All agricultural land will be eligible. Farmland is defined as any land suited by soil type and use for agricultural purposes, and land capable of providing "economically profitable farm units."

Application Procedure: Interested landowners submit an application for purchase of development rights to the Connecticut Commissioner of Agriculture.

Review and Purchase Procedure: The Commissioner appointed an Advisory Committee on Land Preservation to assist him in reviewing applications. As mandated in the statute, the primary factor to be considered in the review process is the probability that a property will be sold for non-agricultural purposes. Properties which receive a high enough score with regard to this "imminent loss" criteria are then ranked according to their productivity, soil suitability, and capacity for contribution to the preservation of the agricultural potential of the state. Any encumbrances in the land are also taken into consideration at this point. One or more independent appraisals are carried out on properties which score above a certain minimum on the above three criteria. Offers for purchase of development rights are then made by the Commissioner and, if accepted by the landowner, a request for funds is submitted to the State Board Commission.

Development rights will generally be held by the state in perpetuity. Removal of an agricultural restriction can only be made upon petition by the landowner or the town in which the property is located, approval by the Commission of Agriculture,

PURCHASE OF DEVELOPMENT RIGHTS

CONNECTICUT - continued

and approval at a town-wide referendum by a majority of those voting in that election. The Commissioner shall approve petitions to remove agricultural restrictions only if he determines that the public interest is such that there is an overriding necessity to relinquish controls of the development rights.

Program Funding: At the request of the General Assembly, the State Board Commission has authorized the issuance of \$9 million of state bonds for purchases of development rights.

- B. Experience: By November of 1979, 158 applications for state purchase of development rights on 19,907 acres had been submitted to the Commissioner of Agriculture. As of May 1980, 10 properties totalling 2,585 acres had been approved for purchase by the Commission and the Bond Commission. Total cost of development rights purchase on those properties is \$4.135 million, approximately \$1600 per acre. Acquisition of rights on an additional two properties has been approved by the Commission and submitted to the Bond Commission for funding approval.
- C. Other Programs: Differential Assessment: Deferred Taxation (Ct.)
Differential Appraisal for Inheritance &
Estate Taxation (Ct.)*
Transfer of Development Rights (Windsor, Ct.)
- D. For Additional Information: Leonard E. Krogh, Commissioner of Agriculture. (203) 566-4667.

PURCHASE OF DEVELOPMENT RIGHTS

HOWARD COUNTY, MARYLAND in Baltimore SMSA

Population '78: 116,608	Total land area: 251 sq. mi.
Pop'n change '70-'78: 89%	Land in farms '78: 58,317 ac. (36%)
Pop'n per sq. mi. '78: 465	Harvested cropland '78: 31,581 ac. (20%)
Importance of Agric. ('77)	Prime farmland '67: 69,006 ac. (43%)
2.2% employed residents	Farms less than 50 ac. ('78): 47%
1.1% personal income	Mkt. value prod. per ac. ('78): \$300

A. Description of Program

Howard County Code, Art. 14, Tit. 15, Subtit. 5.15.501 to 5.15.510, adopted 1977.

Purchase of development rights by the County with no requirement for district formation by the landowner.

Eligibility: A minimum of 50 acres of land (smaller parcels will be considered if they are contiguous to land included in the State or local program or if they are contiguous to specified public watershed lands); a predominance of SCS soil classes I, II, or III and woodland groups 1 and 2 (2/3 of the acreage must be productive agricultural land); location outside of a water and sewer district.

Maximum Purchase Price Allowed: 50 percent of the difference between fair market and agricultural use value of the land.

Application Procedure: Interested landowners submit an application for purchase of rights to the County Office of Planning and Zoning. The applicant must document eligibility of this land and include a firm sale offer based upon a certified appraisal which he must pay for.

Review and Purchase Procedure: Lands which are ascertained to be eligible are evaluated according to the following criteria:

land must be subject to substantial development pressure;

purchase of rights should be consistent with the intentions and policies of the County General plan;

geographical location, productivity, soil characteristics, accessibility, and size will all be considered.

PURCHASE OF DEVELOPMENT RIGHTS

HOWARD COUNTY, MARYLAND - continued

If the cost of purchasing the development rights exceeds the maximum allowed, the rights may not be purchased. The County may, however, acquire that land in fee simple if it can negotiate an acceptable price with the landowner. Funding for the program is derived from one-fourth of the 1 percent local real estate transfer tax, which generated \$50,000 per month until the recent dramatic decrease in housing starts in the County. Following fee simple purchase, the County must take steps to ensure active farming on the property, either by giving a long-term (20-year maximum) lease or by selling the farm rights to qualified farmers.

Comments on applications for purchase of development rights are made by the County Office of Planning and Zoning, the public at a public meeting, and the County Agricultural Lands Preservation Board. The Board then submits its recommendations to the County Executive, who makes the final decision.

Sanctions on Conversion: With the exception of "acts of God," land from which the development rights have been sold must be continually cropped. If this condition is not met, the owner is subject to a penalty fee equal to 10 percent of the price of the development rights for each year the land was not productive.

- B. Experience: No applications for purchase of development rights through the local program have occurred to date, although two applications made through the State program have been accepted.
- C. Other Programs: Differential Assessment: Deferred Taxation (Md.)
Agricultural Districting/PDR (Md.)
Right to Farm Legislation (Md.)*
Differential Appraisal, Inheritance, and
Estate Taxation (Md.)*
- D. For Additional Information: Dennis White, Agricultural Planner,
Howard County Agricultural Land Preservation Board, George
Howard Building, 3430 Court House Drive, Ellicott City, Md.
21043. Tel.: (301) 992-2356.

PURCHASE OF DEVELOPMENT RIGHTS

MASSACHUSETTS

Population '78: 5,773,677	Total land area: 7,826 sq. mi.
Pop'n change '70-78: 1%	Land in farms '78: 680,531 ac. (14%)
Pop'n per sq. mi. '78: 738	Harvested cropland '78: 214,220 ac. (4%)
Importance of Agric. ('77)	Prime farmland '67: 463,365 ac. (9%)
0.4% employed residents	Farms less than 50 ac. ('78): 47%
0.3% personal income	Mkt. value of prod. per ac. ('78): \$317

A. Description of Program

The Agricultural Preservation Restriction Act (Chapter 780 of the Acts of 1977).

This Act provides for the public purchase of "Agricultural Preservation Restrictions" or "development rights".

Eligibility: It is a voluntary program under which farmers can apply to sell the rights to develop their land for nonagricultural purposes. The owner places an "Agricultural Preservation Restriction" on his land which requires that no buildings other than those related to farming be placed thereon and that such land be maintained in a condition suitable for agriculture. The owner retains all other rights of ownership, including the right to privacy.

Criteria for Selection: The purpose of the program is to "prevent the loss of productive agricultural land." Since the program has limited funding, jeopardy has been given a high priority. All farms selected must be of high quality soils, economic size, and show a great likelihood through location and other factors, of being converted to other uses.

Purchase Price Allowed: The owner is paid the difference between the "market" and the "agricultural" value of his land.

Application Procedure: The statute creates an Agricultural Lands Preservation Committee. This Committee must prepare an annual report and must decide on applications for sale of development rights. Applications take the form of "projects" submitted by cities or towns. Decisions on the projects must be based on the land's suitability for agriculture, its fair market value and "the degree to which the acquisition would...preserve the agricultural potential of the Commonwealth".

Sanctions on Conversion: Restrictions may be removed only under certain conditions. The landowner must repurchase the rights; the agency or governing body with jurisdiction must approve; and either the land must be deemed no longer suitable for farming or two-thirds of both branches of the General Court must vote that the restrictions should be released in the public interest.

Funding: State bonds, with an authorized total (as of December 1980) of \$15 million.

- B. Experience: As of April 1, 1980, 116 applications had been received offering 10,575 acres for restriction. Nineteen of the first 93 applications were selected by the Agricultural Lands Preservation Committee for appraisal and further negotiation under the first \$5 million. Screening of the remaining applications was already underway.
- C. Other Programs: Differential Assessment: Deferred Taxation (MA.)
- D. For Additional Information: Contact: The Office of the Commissioner of Food and Agriculture, 100 Cambridge Street, Boston, MA 02202. Telephone: (617)727-3000.

PURCHASE OF DEVELOPMENT RIGHTS

NEW HAMPSHIRE

Population '78: 871,104
Pop'n change '70-78: 18%
Pop'n per sq. mi. '78: 96
Importance of Agric. ('77)
1.3% employed residents
0.5% personal income

Total land area: 9,028 sq. mi.
Land in farms '78: 543,347 ac. (9%)
Harvested cropland '78: 136,925 ac. (2%)
Prime farmland '67: 309,636 ac. (5%)
Farms less than 50 ac. ('78): 33%
Mkt. value of prod. per. ac. ('78): \$164

- A. Description of Program: Revised Stat. Ann. of New Hamp. 301 Sec. 1 and 2, Chap. 36-5; and R.S.A. 477 Sec. 47.

The Act provides for the public purchase of "agricultural land development rights" and the placing of these rights in an "agricultural preservation restriction."

"Agricultural land development rights" means the rights of the owner of agricultural land to construct or, sell, lease, or otherwise improve the agricultural land for uses that result in rendering such land no longer suitable for agricultural use.

"Agricultural preservation restriction" means the restraint on the development rights of agricultural land for the purpose of prohibiting acts or uses detrimental to such retention of the land for agricultural use.

Eligibility: The program is a voluntary one, freely entered into by the landowner and the state.

Application Procedure: An application shall initially be submitted by the landowner to the governing body of the municipality in which the land is located. A second copy of the completed application shall be funded to the Commissioner of Agriculture.

Criteria For Selection: Such land must be used primarily for agricultural purposes and such purposes shall include but not be limited to livestock, livestock food, food and fiber for human consumption and use, horticulture and floriculture crops.

All land is evaluated on the basis of the following: (1) Important Agricultural Soils, (2) Threat of Conversion to a Non-Agricultural Use, (3) Cost of Development Rights, (4) Economic Viability (costs and benefits of maintaining the land in agriculture); (5) Inactive or Active Farms, (6) Owner-Operated Farm, and (7) Financial Participation by Municipality.

Purchase Price Allowed: the owner is paid the difference between The "market" and the "agricultural" value of his land.

Sanctions on Conversion: The agricultural preservation restrictions placed on a particular site may be released if the site is found to be no longer suitable for agricultural production. If the state's implementing authority votes to release the development rights, on those grounds, the owner will be required to pay the State of New Hampshire a sum of money which shall not be less than the difference between fair market value of such land at the time of release and the fair market value of such land restricted for agricultural purposes at the time that the development rights were acquired.

Funding: Funding for this program is through a \$ 3 million state bond issue of 10 years.

- B. Experience: As of January 1981, twenty-eight applicants had been received, but no purchases had yet been completed.
- C. Other Programs: Differential Assessment • Deferred Taxation (NH.)
- D. For Additional Information: Contact: Commissioner, New Hampshire Department of Agriculture, 85 Manchester Street, Concord, New Hampshire 03301. Telephone: (603)271-3551.

PURCHASE OF DEVELOPMENT RIGHTS

BURLINGTON COUNTY, NEW JERSEY in Philadelphia SMSA

Population '78: 363,542	Total land area: 788 sq. mi.
Pop'n change '70-'78: + 12.5%	Land in farms '78: 135,953 ac. (27%)
Pop'n per sq. mi. '78: 461	Harvested cropland '78: 71,363 ac. (14%)
Importance of Agric. ('77):	Prime farmland '67: 116,647 ac. (22%)
1.7% employed residents	Farms less than 50 ac. ('78): 44%
.8% personal income	Mkt. value prod. per ac. ('78): \$279

A. Description of Program

A bond issue for \$1,000,000 to buy easements on lands in the Pinelands, approved by the voters in 1977, has been matched by \$1,000,000 from the State's Green Acres program. An additional \$1,000,000, intended specifically for easements on agricultural land, was approved by the County voters in a 1979 referendum.

B. Experience: The first transaction consisted of the purchase of development rights on a 530-acre cranberry bog for \$449 per acre. A second parcel of about 280 acres has been appraised and it is anticipated that an easement will be purchased. The second parcel lies in the Protection District enacted by the N.J. Pinelands Commission and as a result the easement price is anticipated to be about \$50 per acre.

C. Other Programs: N.J. Differential Assessment: Deferred Taxation

D. For Additional Information: Charles Julianna, Clerk-Administrator, Burlington County, N.J. Tel: (609) 267-3300.

PURCHASE OF DEVELOPMENT RIGHTS

READINGTON TOWNSHIP, Hunterdon County, N.J.

In Non-SMSA County

Population '77: 9,138

Pop'n change '70-'77: + 18.7%

Pop'n per sq. mi. '77: 191

A. Description of Program

A non-binding referendum passed by the Township in 1978 calls for a bond issue of \$1,000,000 for purchasing open space and agricultural lands for later resale with restrictions.

B. Experience: As of February 4, 1980, the bonds had not been issued. The first two properties selected for purchase are for the purpose of preserving open space rather than agriculture. Funding for one of them is being sought solely through the Green Acres program of the State of New Jersey.

C. Other Programs: Differential Assessment: Deferred Taxation (N.J.)

D. For Additional Information: Julia Allen Tel.: (201) 782-7346

PURCHASE OF DEVELOPMENT RIGHTS

SUFFOLK COUNTY, NEW YORK In the Nassau-Suffolk SMSA

Population '78: 1,297,332	Total land area: 896 sq. mi.
Pop'n change '70-78: 15%	Land in farms '74: 55,397 ac. (10%)
Pop'n per sq. mi. '78: 1448	Harvested cropland '74: 41,009 ac. (7%)
Importance of Agric. ('77)	Prime farmland '67: 135,095 ac. (24%)
1.0% employed residents	Farms less than 50 ac. ('74): 61%
0.4% personal income	Mkt. vlaue of prod. per ac. ('74): \$562

A. Description of Program

Sec. 247 of N.Y.'s General Municipal Law and Suffolk County Local Law No. 19-1974, adopted in 1974.

The law allows the county to buy from farmland owners the development rights of the land while leaving title of the property with the owners. Sellers of the development rights would retain ownership of the land and be free either to keep it under cultivation or let it lie fallow as open space, but would not be able to sell it for any purpose other than farming.

Eligibility: Participation in the county's program is entirely voluntary. All owners of farmland located anywhere in the county are eligible to make an offer to the county.

Application Procedure: Farmland owners, at the invitation of the county, may offer to sell development rights. Following receipt of such offers, the County Executive shall cause an appraisal of the market value of such development rights to be made. After a report on this matter by the County Executive to the County Legislature, the latter shall hold a public hearing on the question of the acceptance of one or more such offers. Within thirty days after the public hearing, the County Legislature will make a decision on whether to accept the offer(s).

Criteria for Selection: Although any parcel of farmland may be offered, the county is interested primarily in preserving prime farm land in the eastern townships. Upon receipt of offers, the County evaluates each relative to the quality of the soils, the contiguity of parcels with other farmland, and the asking price.

Review and Purchase Procedure: If the offer is found to be acceptable, the county arranges for an independent appraisal of the land's fair market value and also its value only for agricultural use. If the county and landowner agree on the price and other terms, a contract is signed and followed within a specific period of time by the closing transaction.

Purchase Price Allowed: The owner is paid the difference between the market and the agricultural value of his land.

Sanctions on Conversion: Development rights can be sold back (at their then market value) only if authorized by a county-wide referendum.

Funding: Funding has been authorized through the issuance of \$21 million in 30-year county bonds.

B. Experience: By June, 1980 fifty-one parcels comprising 3,214 acres had been put under easement. The total cost of these purchases proved to be just under \$10 million rather than the \$21 million originally allocated in 1976. In July, 1980 the County Legislature authorized appraisals of an additional 61 properties in preparation for a second round of purchases.

C. Other Programs: State level: Differential Assessment: Restrictive Agreements (NY), Inheritance and Estate Taxation (NY), Agricultural Districts (NY).

D. For Additional Information: Contact: Office of the County Executive, County Center, Hauppauge, New York 11787.
Telephone: (516)979-2798.

LAND USE CONTROLS: PURCHASE OF INTERESTS IN LAND

KING COUNTY, WASHINGTON

SMSA COUNTY

Population '78: 1,177,560
Pop'n change '70-'78: 1.8%
Pop'n per sq. mi. '78: 733.4
Importance of Agric. ('77)
0.4% employed residents
0.3% personal income

Total land area: 1,606 sq. mi.
Land in farms '78: 53,116 ac. (5.2%)
Harvested cropland '78: 12,979 ac. (1.3%)
Prime farmland '67: 3.7%
Farms less than 50 ac. ('78): 76%
Mkt. value prod. per ac. ('78): \$1,032

A. Description of Program

King County Ordinance Number 4341, adopted 1979.

Section 2 (4) - It is the policy of the State of Washington and King County to protect, preserve, and enhance agricultural and open space lands as evidenced by the King County Comprehensive Plan of 1964 as amended by Ordinance 1096, establishing open space policies in King County, Chapter 84.34 RCW, and Ordinance 2537, authorizing use taxation of agricultural and open space land, Chapter 84 Laws of 1979 limiting and deferring road and utility assessments on farm and open space land, Ordinance 3064, as amended, establishing King County's agricultural lands policy and County and city ordinances regulating land use by zoning.

Section 2 (7) - The permanent acquisition by the County of voluntarily offered interests in farm and open space lands within the County, as provided in this ordinance and as authorized by the Constitution and statutes of the State of Washington, will permit these lands to remain in farm and open space uses in a developing urban area and provide long-term protection for the public interests which are served by farmlands and open space lands within the County.

Section 2 (8) - The acquisition of interests in farm and open space lands as provided in this ordinance is a public purpose of King County and financing such acquisition requires that the County issue its general obligation bonds in the principal amount of not to exceed \$50,000,000.

Section 4 (1) The County is hereby authorized to issue its general obligation bonds to acquire the Farmlands and Open Space Lands described and prioritized in Section 5 of this ordinance. The property interest acquired may be either the Development Rights, Full Ownership or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this ordinance. The proceeds of the Bonds shall be used to acquire such property interests only upon application of the Owner and in a strictly voluntary manner.

KING COUNTY, WASHINGTON

Section 4 (4) - The County may acquire Full Ownership in Eligible Lands of First Priority only where the Owner will voluntarily sell only the Full Ownership of the property. The County shall acquire only Development Rights or interests which are less than Full Ownership in Eligible Lands of Second and Third Priority.

Section 5. Eligible Lands and Priority of Acquisition.

First Priority:

- (a) Farmlands and Open Space Lands located within the designated areas of the Sammamish, Lower Green or Upper Green River Valleys as shown respectively on Appendix A, Appendix B, and Appendix C of this ordinance.
- (b) Food Producing Farmlands located anywhere within the County generally described but not limited to those lands on Appendix "F" but outside of the designated areas of the Sammamish, Lower Green, Upper Green and Snoqualmie River Valleys and Enumclaw Plateau as shown in Appendices A-E inclusive of this ordinance.

Second Priority:

- (a) Farmlands in designated areas in the Snoqualmie Valley.
- (b) Farmlands in designated areas of the Enumclaw Plateau.
- (c) Approximately 1,500 acres of Farmlands which are larger than 40 contiguous acres located anywhere within the County outside of the areas described in Appendices A to E inclusive of this ordinance.

Third Priority:

All other Farmlands located within presently established Agricultural Districts of the County and designated to be Agricultural Lands of County Significance.

Section 7. Selection Process.

Beginning in the first year following the Bond election and continuing at least once a year for a period of six years or until all Bond proceeds have been expended whichever date is sooner, the Executive shall conduct a voluntary property selection process (herein called "Selection Round") generally as follows:

(1) In the first and second Selection Rounds all properties offered in Priority One shall be eligible for purchase. In the third Selection Round all properties offered in Priority One and Priority Two shall be eligible for purchase, and in all subsequent Selection Rounds all properties offered in Priorities One, Two and Three shall be eligible for purchase. In all Selection Rounds properties of higher priority shall be purchased with available funds before properties of lower priority are purchased.

KING COUNTY, WASHINGTON

(4) Two appraisals shall be made to determine the Value of Development Rights. One appraisal shall determine the fair market value of Full Ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the Agricultural Rights only. Appraisals of the fair market value of Full Ownership or of a property interest other than Development Rights shall be made by independent appraisers selected by the Executive from a list of not less than ten qualified persons recommended by the County Assessor.

Section 8. Criteria for Selection within Same Priority.

Only in the event that funds are not adequate in any Selection Round to purchase all Eligible Lands of equal priority for which valid offers shall have been received by the County, the following criteria shall be considered in determining which offers to accept within such priority group:

(1) An offer which is below appraisal shall be favored over an offer which is at appraisal.

(2) An offer of Development Rights in land shall be favored over an offer of Full Ownership.

(3) An offer of farmland producing in the 12 months preceding application shall be favored over an offer of land which lies fallow.

(4) An offer of land which is more threatened by urban development shall be favored over an offer of land which is less threatened.

(5) An offer of land which will form a contiguous farming area with other offered or acquired Eligible Land shall be favored over an offer of land which is separated.

(6) An offer of land which will serve the dual purpose of urban separation and agricultural production shall be favored over an offer of land which will serve only one of such purposes.

(7) An offer of Farmlands in commercial production shall be favored over an offer of noncommercial Farmlands.

The weight to be given to each of the above criteria shall be determined finally by the Council for each parcel of property and such good faith determination shall be conclusive.

KING COUNTY, WASHINGTON

B. Experience

There were three attempts, two failing and one successful, to get a bond issue passed in King County for the purchase of development rights to farmland in the County. In November 1978, a \$35 million issue failed. In September 1979, a fifty million dollar bond issue failed. Finally, in November 1979, the voters approved a fifty million dollar bond issue. Interestingly enough, both of the first two bond issues passed by large majorities, but Washington's election laws require more than a majority. Early estimates by program staff indicate that the bond issue may be used to purchase development rights on as many as 10,000 acres. This represents roughly one third of all the farmland remaining in the County.

C. Other Programs: None

D. Additional Information

Office of Agriculture
King County
300 Administration Building
500 Fourth Avenue
Seattle, Washington 98104

17. LEASE OR SALE WITH RESTRICTIONS

LEASE OR SALE WITH RESTRICTIONS

MATANUSKA-SUSITNA BOROUGH, Alaska

Population '80: 17,766
Pop'n change '70-'80: 171%
Pop'n per sq. mi. '80: 1

A. Description of Program

Ordinance to provide for the Sale of Agricultural Land,
Ordinance Serial No. 75-15.

Section 1. Agricultural Land Policy. It is the policy of the Borough to encourage and facilitate the agricultural use of land to which the Borough has title when such land is suitable, or potentially suitable, for agricultural purposes and to assure that such land is put to no use which will diminish its agricultural worth.

Section 2. Agricultural Land Classification. Borough land in parcels 40 acres or larger which consist of forty (40) percent or more Soil Conservation Service capability classes II and III shall be classified agricultural unless the Assembly finds that such land is unsuitable for agricultural purposes.

Section 3. Sale of Agricultural Land. Agricultural classified Borough land, or rights in land, shall not be sold, or granted except for agricultural use.

Section 4. Persons Eligible to Acquire or Lease Agricultural Land To qualify, an applicant must, not less than thirty (30) days prior to the date of sale:

(1) Submit an application in proper form and a \$10 non-refundable qualifying application fee;

(2) Submit a farm plan and development schedule which has been endorsed by the University of Alaska Cooperative Extension Service, or other agency or committee as may be designated by the Assembly, as realistic and workable for the amount and type of land which he proposes to acquire from the Borough and which indicates his ability to carry out said farm use plan and schedule.

Section 5. Size of Parcels. Agricultural classified land, or rights in land, shall be offered to sale in acreages of not more than 640, nor less than 40, except smaller parcels which are isolated from other agricultural classified Borough property.

LEASE OR SALE WITH RESTRICTIONS

MATANUSKA-SUSITNA BOROUGH, Alaska - continued

Section 6. Purchase Limitation. No person, partnership or corporation may purchase more than 640 acres of agricultural classified Borough land in the aggregate.

Section 7. Sale Initiation. Agricultural classified land may be offered for sale in response to an application from a person or at the initiative of the Assembly.

Section 8. Sale Price. All land shall be appriased within four (4) months prior to being offered for sale to determine its unrestricted full and true value. The sale price of land, by virtue of its agricultural use restriction shall be ten (10) percent of its full and true value. The value shall be called its "agricultural value".

Section 9. Public Notice. (Public notice of any sale of lands is required.)

Section 10. Sale Procedure. The Borough Assembly, with the advice of the Planning Commission, shall approve, by resolution, the parcels to be sold and the date and place of such sale. If there is more than one qualified applicant per parcel, the sale shall be by public auction or sealed bid as directed by the Assembly for said sale to the highest bidder....

Persons purchasing property shall, at the time of sale bid or auction, pay to the Borough not less than ten (10) percent of the purchase price of the property. Terms of sale shall provide for the payment of the remaining principal to the Borough in equal annual installments over a term not to exceed twenty (20) years with six (6) percent interest, or at such other interest rate as may from time to time be set by the Assembly prior to each sale, on all unpaid balances....

Prior to sale, the manager may impose conditions, limitations and terms which he considers necessary and proper to protect the interest of the Borough.

Section 11. Rights in Land to be Sold. The following rights in agricultural classified land shall be sold: all rights except mineral rights and development rights. Development rights are the rights to subdivide or use the surface of the land for residential, commercial or industrial uses which are not a part of the farming enterprise conducted on the land.

LEASE OR SALE WITH RESTRICTIONS

MATANUSKA-SUSITNA BOROUGH, Alaska - continued

- B. Experience: The area of the Borough is over 23,000 square miles, only about 4 percent of which is in private ownership. The Borough has title to 355,000 acres, the state of Alaska to approximately 3.9 million acres, and the Federal government to most of the remainder. No information on number of sales to date.
- C. Other Programs: Similar legislation at state level for disposal of state owned agriculturally classified land.
- D. For Additional Information: John D. Nash, Borough Assemblyman and Deputy Mayor of the Matanuska-Susitna Borough, SRD Box 9220, Palmer, Alaska. Tel.: (907) 745-3796.

18. EXERCISE OF RIGHT TO PRE-EMPT

RIGHT TO PRE-EMPT SALE

MASSACHUSETTS

Population '78: 5,773,677	Total land area: 7,775 sq. mi.
Pop'n change '70-'78: + 1.7%	Land in farms '78: 680,513 ac. (14%)
Pop'n per sq. mi. '78: 743	Harvested cropland '78: 214,220 ac. (4%)
Importance of Agric. ('77):	Prime farmland '67: 463,365 ac. (9%)
.6% employed residents	Farms less than 50 ac. ('78): 47%
.3% personal income	Mkt. value prod. per ac. ('78): \$317

A. Description of Program

Mass. Gen Laws Ann., Ch. 61A enacted 1973.

In the case of an intended sale and cessation of farming of land under differential assessment, the city or town in which it is located is given the right of first refusal for a period of 60 days subsequent to notification of such an intent. In the case of intended conversion not involving sale, the city or town may purchase the land at full and fair market value as determined by impartial appraisal.

B. Experience: Several towns had considered the possibility of exercising their right of first refusal and at least one town (Carlisle) had met a developer's offer and was in the process of acquiring an agricultural tract.

C. Other Programs: Differential Assessment: Deferred Taxation (Mass.)
Purchase of Development Rights (Mass.)
Township Conservation Commissions (Mass.)

D. For Additional Information: Warren Colby, Division of Agricultural Land Use, Massachusetts Department of Food and Agriculture. Tel: (617) 727-6632.

19. TRANSFER OF DEVELOPMENT RIGHTS

TRANSFER OF DEVELOPMENT RIGHTS

TOWN OF WINDSOR, Hartford County, Conn.

In Hartford SMSA

Population '77: 25,098
Pop'n change '70-'77: + 11.5%
Pop'n per sq. mi. '77: 831

A. Description of Program

Town Zoning Ordinance, Sect. 4.5.8 enacted 1976.

Development rights may be transferred between all residential zones and the Agricultural Zone. Preservation and development districts are not specified. When the rights are transferred, the originating tract must be deeded to the town.

The number of development rights transferred is equal to the number of units allowed on the preservation tract under current zoning. The maximum resulting density in the development tract is twice the underlying zone density. If development is of the Design Development type, a maximum of one additional dwelling unit per acre is permitted.

B. Experience: No transfers have been completed.

C. Other Programs: Differential Assessment: Deferred Taxation (Conn.)
Differential Appraisal, Inheritance, and
Estate Taxation (Conn.)*
Purchase of Development Rights (Conn.)
Capital Gains Taxation (Conn.)*

D. For Additional Information: Mario Zavarella, Town Planner,
Tel.: (203) 688-3675.

TRANSFER OF DEVELOPMENT RIGHTS

CALVERT COUNTY, MARYLAND

Non-SMSA County

Population '78: 31,483
Pop'n change '70-'78: 52%
Pop'n per sq. mi. '78:145
Importance of Agric. ('77)
12.9% employed residents
21.7% personal income

Total land area: 217 sq. mi.
Land in farms '78: 52,213 ac. (38%)
Harvested cropland '78: 16,627 ac. (12%)
Prime farmland '67: 25,063 ac. (18%)
Farms less than 50 ac. ('78): 58%
Mkt. value prod. per ac. ('78): \$138

A. Description of Program

Public Local Laws of Calvert County, Art. 5, adopted 1977.

Development rights may be transferred from land within an Agricultural Preservation District to land within a Transfer Zone.

Program Context: 22,750 acres (16%) of the County have been mapped as "Designated Agricultural Areas," which include those areas having the greatest potential for maintaining a viable level of agricultural or forest production. Landowners meeting certain eligibility requirements may, subject to the approval of the County Agricultural Preservation Advisory Board, form "Agricultural Preservation Districts" within those Designated Agricultural Areas. The Board of County Commissioners, acting upon recommendations from the Planning Commission, designated another 685 acres (0.5%) as "Transfer Zones." Within these zones development at a higher density could be absorbed by nature of each area's location, topography, and available services. Owners of land outside of Designated Agricultural Areas may apply to have their land put into a Transfer Zone.

Program Description: A landowner within an Agricultural Preservation District may apply to the County Commissioners for certification of his Development Options, which shall be allocated to him on the basis of one per acre of land. Five options shall be subtracted for each residence located on the parcel, and five options shall be allocated for each one-acre lot authorized in the County Zoning Ordinance (Art. 16) for the Agricultural A-1 District and not previously used. These development options may then be sold on the open market and used by developers in a designated Transfer Zone to decrease the minimum size of residential lots. Present zoning allows one dwelling per 5 acres, but one additional single family residential building lot may be created for every 5 development options purchased. However, the density may not exceed one dwelling per 2.5 acres unless the County Commissioners develop criteria permitting higher densities where favorable conditions

TRANSFER OF DEVELOPMENT RIGHTS

CALVERT COUNTY, MARYLAND - continued

exist. In no case shall the total density exceed one dwelling per acre. An owner of land within a Transfer Zone may not increase the residential density of his land until he has applied for that right to the Planning Commission and provided it with a copy of a proper agreement whereby he was conveyed development options.

Once the development options have been sold from a particular parcel of land, that parcel may not be removed from the Agricultural Preservation District. A landowner within an agricultural district who has previously conveyed all of his development options may still build a dwelling for a family member or farm employee. He must, however, purchase five development options for each dwelling from another district member or from an owner of development options. The overall density must not exceed one dwelling per 25 acres of land.

- B. Experience: Two Agricultural Preservation Districts have been formed in Calvert County, totalling 717 acres. One farmer is in the process of getting his development options certified, but no actual transfers have taken place.
- C. Other Programs: Differential Assessment: Deferred Taxation (Md.)
Agricultural Districting/PDR (Md.)
Right to farm Legislation (Md.)*
Differential Appraisal, Inheritance and Estate Taxation (Md.)*
- D. For Additional Information: Guy Bower, Planner, Agricultural Preservation Advisory Board, Prince Frederick, Md. 20678.
Tel: (301) 535-1600.

TRANSFER OF DEVELOPMENT RIGHTS

MONTGOMERY COUNTY, MARYLAND

Population '78: 575,931	Total land area: 495 sq. mi.
Pop'n change '70-'78: 10%	Land in farms '78: 114,822 ac. (36%)
Pop'n per sq. mi.: 1,163	Harvested cropland '78: 58,976 ac. (19%)
Importance of Agric. ('77)	Prime farmland '67: 84,135 (27%)
.5% employed residents	Farms less than 50 ac. ('78): 45%
.3% personal income	Mkt. value prod. per acre ('78): \$193

A. Description of Program

Development rights may be transferred from land in the Rural Density Transfer Zone ("sending area") to land within TDR "receiving areas."

An experimental TDR project was begun in spring of 1980 in the Olney Planning Area of Montgomery County. The Maryland-National Capitol Park and Planning Commission designated 15,293 acres of Olney as Rural Density Transfer Zones, using productive soils as the primary criteria for inclusion. Within these zones farmers may voluntarily sell their development rights on the open market. Base density is one dwelling unit per 25 acres, but development rights are assigned on the basis of one for every five acres of uncommitted land, thus providing an incentive to sell the rights rather than develop the property under conventional zoning.

TDR receiving areas are clustered around the town center and primary residential section of Olney. Their location, size, and allowed density were carefully designed to reflect the best population and housing market projections available for the planning area. The proposed density bonuses in these areas are:

<u>Present allowed density</u>	<u>Density after transfer</u>
1 d.u./2 A	2 d.u./A
1 d.u./2 A	4 d.u./A
1 d.u./A	2 d.u./A

These bonus densities purposely require public sewer and water, provision of which will be dependent on the developer acquiring enough development rights to allow the higher densities.

B. Experience: To date, no transfers have taken place.

C. Other Programs: Differential Assessment: Deferred Taxation (Md.)
Agricultural Districting/PDR

TRANSFER OF DEVELOPMENT RIGHTS

MONTGOMERY COUNTY, MARYLAND - continued

- C. Other Programs - continued: Right to Farm Legislation (Md.)*
Differential Appraisal, Inheritance
and Estate Taxation (Md.)*
- D. For Additional Information: Melissa Banach, Coordinator, Com-
munity Planning North, Maryland-National Capitol Park and Plan-
ning Commission, 8787 Georgia Avenue, Silver Spring, MD 20907.
Tel.: (301) 565-7479.

TRANSFER OF DEVELOPMENT RIGHTS

TOWN OF SUNDERLAND, Franklin County, Mass.

Population '77: 2,723
Pop'n change '70-'77: + 21.8%
Pop'n per sq. mi. '77: 189

A. Description of Program

Sunderland Zoning Bylaw Sect. 4460 adopted January 1975.

Development rights may be transferred from land located in the Prime Agricultural District to Open Space Community developments. Such developments may be located in any other zoning districts except the industrial districts. An open space community located in the critical resource district, however, requires a special permit from the Zoning Board of Appeals. If the proposed development is found to be consistent with the purpose of the district, a permit to proceed without further delay is granted. If it is found inconsistent, construction is delayed for a 90-day period during which a special town meeting must be called to consider purchase of the property.

Rights are transferred by designating the land "Agricultural Protection Land" and including it by reference in the total land area of the proposed development. For this purpose, the area of Agricultural Protection Land is multiplied by a factor of two.

- B. Experience: No transfers have been completed and little interest has been shown by developers in the concept. Very little development has occurred anywhere in the town since the TDR provision was enacted.
- C. Other Programs: Differential Assessment: Deferred Taxation (Mass.)
Purchase of Development Rights (Mass.)*
- D. For Additional Information: Ellen Corpita, Town Clerk, Tel.:
(413) 665-2989.

TRANSFER OF DEVELOPMENT RIGHTS

CHESTERFIELD TOWNSHIP, Burlington County, N.J. In Philadelphia SMSA

Population: 3,503 ('77)
Pop'n change '70-'77: + 9.8%
Pop'n per sq. mi. '77: 159

A. Description of Program

Transfer of Development Credit adopted 1975.

The developer must own both tracts at the time of the transfer (the rights are not truly separable). He may contingently and simultaneously sell the reserved rights of the preserved tract back to the original owner or to another person. The preserved tract must be restricted to agricultural use in perpetuity by deed. Transferred development credits can be applied to any location in the Township, so long as the resulting density does not exceed four dwellings per acre.

B. Experience: One transfer has been authorized but has not taken place yet. See Chapter 8 for a more complete discussion.

C. Other Programs: Differential Assessment: Deferred Taxation (N.J.)

D. For Additional Information: William Queale, Planning Consultant, Queale & Lynch, Inc. Tel.: (609) 392-2324.

TRANSFER OF DEVELOPMENT RIGHTS

HILLSBOROUGH TOWNSHIP, Somerset County, N.J.

In Non-SMSA County

Population '77: 15,894

Pop'n change '70-'77: + 43.7%

Pop'n per sq. mi. '77: 287

A. Description of Program

In order "to preserve land for public and agricultural use, ..." Hillsborough allows the voluntary "transfer of development credits" (TDC). Four concentric residential zones are specified. Rights from any parcel of 25 acres or more in the two outer and lowest density zones (one dwelling per acre and one dwelling per three acres) may be transferred to either of the two inner and denser zones. The preservation tract must be deeded to the township, with restrictions on its use: open space, recreation, school sites, and other public municipal use are specified.

B. Experience: One transfer has been completed. See Chapter 8 for a more complete discussion.

C. Other Programs: Differential Assessment: Deferred Taxation (N.J.)

D. For Additional Information: William Queale, Planning Consultant, Queale & Lynch, Inc. Tel.: (609) 392-2324.

TRANSFER OF DEVELOPMENT RIGHTS

EDEN, Erie County, N.Y.

In Buffalo SMSA

Population '77: 8,140
Pop'n change '70-'77: + 6.5%
Pop'n per sq. mi. '77: 203

A. Description of Program

Town Zoning Ordinance Sect. 5.10, adopted May 1977.

Development rights may be transferred from undeveloped tracts in a preservation district (C, A, and APO Districts) to a development district (PR, SR, and HR Districts). No maximum density is specified for building in the Development District.

Development rights are assigned to land in the preservation district as follows.

<u>Zoning</u>	<u>Number of Rights (DU/Acre)</u>	
	<u>for Development on Parcel</u>	<u>for Transfer</u>
C	0.2	0.33
A	0.25	0.5
AP0	0.25	1.0

B. Experience: One transfer involving six development rights is in process and is expected to be completed after September 1980, when the developer's funding is to become available.

C. Other Programs: Differential Assessment: Deferred Taxation (N.Y.)
Differential Appraisal, Inheritance, and
Estate Taxation (N.Y.)*
Agricultural Districting

D. For Additional Information: Warren Wittek, Chairman, Eden Planning Board, Eden Town Hall 2795 East Church Street, Eden, N.Y. 14057, Tel.: (716) 992-3406.

TRANSFER OF DEVELOPMENT RIGHTS

TOWN OF SOUTHAMPTON, Suffolk Co., N.Y.

In New York SMSA

Population '77: 43,391
Pop'n change '70-'77: + 20.6%
Pop'n per sq. mi. '77: 305

A. Description of Program

Building Zone Ordinance No. 26, Sections 2-10-20 and 2-40-30, enacted 1972.

Development rights may be transferred from tracts with certain types of soils (e.g. SCS capability class I and II) to other tracts to be developed for residences in the same school district. The Town must approve each transfer and take title to the preserved tract, which then must be used for open space.

The maximum densities allowed on a development tract depend on the zoning of the tract. In addition, the total additional number of dwellings in multiple units in a hamlet area resulting from transfer may not exceed 5 percent of the total number of dwellings of all types in the hamlet for the current year.

B. Experience: One transaction involving 18 development rights (and the preservation of 36 acres) has been completed (1977).

C. Other Programs: Differential Assessment: Deferred Taxation (N.Y.)
Differential Appraisal, Inheritance, and
Estate Taxation (N.Y.)*
Agricultural Districting (N.Y.)
Purchase of Development Rights (N.Y.)*

D. For Additional Information: Richard Zandekiatt, Town Planning Board, Tel.: (516) 283-6000.

TRANSFER OF DEVELOPMENT RIGHTS

BUCKINGHAM TOWNSHIP, Bucks Co., Pa.

In Philadelphia SMSA

Population '77: 7,476
Pop'n change '70-'77: + 45%
Pop'n per sq. mi. '77: 227

A. Description of Program

Township Zoning Ordinance Article VI, Sections 601-606, 608-609, adopted March 1975.

Transfer of development rights is allowed from the agricultural preservation district to land in all other zones including industrial and commercial zones. One development right is assigned to each acre in the agricultural district, but building in the agricultural district is limited to 0.5 dwelling units per acre. The possibility of increased density in development district (39-511 percent depending on type of development) provides incentive for developers to buy development rights. Cluster provisions also available in agricultural district.

B. Experience: As of January 1980, 19 rights had been transferred (from two separate owners) to a single town-house development project.

C. Other Programs: Differential Assessment: Deferred Taxation (Pa.)

D. For Additional Information: Paul Silver, Chairman, Board of Supervisors, P.O. Box 413, Buckingham, PA 18912. Tel.: (215) 794-8834

TRANSFER OF DEVELOPMENT RIGHTS

UPPER MAKEFIELD TOWNSHIP, Bucks Co., Pa.

In Philadelphia SMSA

Population '77: 3,913
Pop'n change '70-'77: + 35%
Pop'n per sq. mi. '77: 185

A. Description of Program

Township Zoning Ordinance Articles IV and XIV, adopted 1975.

All transfers must be within the R-1 district, which comprises about 80 percent of the Township. Separate preservation and development districts are not specified. One development right is assigned to each lot (minimum acreage required for a single family dwelling). Density of tract to which rights are transferred may be increased by 100 percent (from .63 to 1.25 dwelling units per acre) if sufficient additional rights are acquired. Two development rights must be acquired for each additional dwelling unit.

B. Experience: Developers have shown little interest in this TDR option. No transfers have been completed.

C. Other Programs: Differential Assessment: Deferred Taxation (Pa.)

D. For Additional Information: Margaret Dissinger, Township Secretary-Treasurer, Tel.: (215) 968-3340.

TRANSFER OF DEVELOPMENT RIGHTS

BIRMINGHAM TOWNSHIP, Chester County, Pa.

In Philadelphia SMSA

Population '77: 697
Pop'n change '70-'77: - 16.4%
Pop'n per sq. mi. '77: 135

A. Description of Program

Township Ordinance No. 77 adopted 1978.

Owners of tracts of land of ten acres or more in AG and R-A districts may transfer development rights to owners of land in planned residential development districts of the Township.

Development rights are assigned as follows: 0.5 times the number of acres minus the number of existing dwelling units.

With the acquisition of development rights, density (dwelling units per acre) in the development district can be increased as follows:

	<u>without TDR</u>	<u>with TDR</u>
PDR-1	0.6	2.25
PDR-2	2.5	5.0

B. Experience: No transactions have been completed.

C. Other Programs: Differential Assessment: Deferred Taxation (Pa.)

D. For Additional Information: Ray E. Starn, Tel.: (609) 299-5000, Ext. 2458.

20. SUB-STATE GROWTH MANAGEMENT

METROPOLITAN GROWTH MANAGEMENT

METROPOLITAN DADE COUNTY, Florida

Population '78: 1,494,276	Total land area: 1,700 sq. mi.
Pop'n change '70-'78: 18%	Land in farms '78: 98,461 ac. (9%)
Pop'n per sq. mi. '78: 879	Harvested cropland '78: 64,095 (6%)
Importance of Agric. ('77):	Prime farmland '67: none
.6% employed residents	Farms less than 50 ac. ('78): 80%
.7% personal income	Mkt. value prod. per acre ('78): \$1,257

A. Description of Program

The Comprehensive Plan. Dade County adopted a comprehensive development master plan in 1975. It was updated in 1979 with some minor revisions and will be amended every two years. Among the stated policies of the plan are to control the areal extent of urbanization consistent with the efficient provision of public services, to preserve environmentally valuable and sensitive areas, to revitalize declining urban areas, to promote the development of concentrated activity centers, and to encourage agriculture as an important economic use of land. The plan delineates both a short-term (1985) and a long-term (2000) urban boundary, within which most future development is to occur. All public facility plans must conform to the overall land use framework. A major focus of the Dade County plan is the mapping of wetlands and other environmentally sensitive areas and the development of a program designed to protect these areas.

One tool which the County uses to implement the development plan is to provide or upgrade public services and facilities only in already developed areas and those designated for future growth. The county prepares a five year capital program annually, which sets priorities for the timing and location of facilities such as roads and sewers. The Dade County Sewer and Water Authority is in the process of constructing a regional sewage disposal system, which will be completed in 1985 and will incorporate many of the small municipal and privately owned systems. When the Comprehensive Plan was adopted in 1975, the Authority's plans for sewer construction were revised to conform to the planned urban boundary, that is, several proposed interceptor lines were rerouted to stay within the line.

Dade County also administers zoning regulations in the unincorporated parts of the county, which encompass almost all of the prime agricultural land. Farmland is generally included either within the Agricultural Use or General Rural Use Zones; both zones permit residential development on minimum five acre

METROPOLITAN GROWTH MANAGEMENT

METROPOLITAN DADE COUNTY, Florida - continued

lots. While this could not be classified as exclusive agricultural zoning, the regulation does preclude most large-scale development.

- B. Experience: About 95 percent of Dade County's 98,461 acres of farmland are located outside the 1985 urban boundaries.
- C. Other Programs: Preferential Assessment (Fla.)
Differential Appraisal, Inheritance, and
Estate Taxation (Fla.)*
Development Permit System (Fla.)*
- D. For Additional Information: Robert Usherson, Principal Planner,
Metropolitan Dade County Planning Department, Suite 900, Brickell
Plaza, 909 Southeast First Avenue, Miami, Fla. 33131.
Tel.: (305) 579-2800.

SUB-STATE GROWTH MANAGEMENT

LEXINGTON-FAYETTE URBAN COUNTY, KENTUCKY

Population '78: 191,578
Pop'n change '70-'78: 9.9%
Pop'n per sq. mi. '78: 694
Importance of Agric. ('77)
3.3% employed residents
1.1% personal income

Total land area: 276 sq. mi.
Land in farms '78: 157,092 ac. (89%)
Harvested cropland '78: 35,122 ac. (20%)
Prime farmland '67: 81,821 ac. (46%)
Farms less than 50 ac. ('78): 46%
Mkt. value prod. per acre ('78): \$344

A. Description of Program

The Comprehensive Plan. Fayette County has had an overall plan and program for managing growth in effect since 1958. In 1974, Lexington City and Fayette County formed a joint city-county government, so the growth management scheme applies throughout the county. The basic principle of the plan is that development should be encouraged in areas contiguous to existing urban centers, while undeveloped areas should remain rural in character, at least until such time as they are needed to accommodate a growing population. In other words, leapfrog development, which is costly in terms of providing adequate public services and facilities, and which can lead to the premature idling of farmland, is to be avoided. The County's Comprehensive Plan, updated in 1979, designates the area within which urban development is to occur as the Urban Service Area, while the remainder of the County is included in the Rural Service Area.

The Urban and Rural Service Areas have been subdivided into several geographic planning areas. The Urban Service Area includes Downtown, Employment Centers, Urban Activity Centers, Existing Neighborhoods, and an Urban Growth Area, where future development is to occur. The Rural Service area consists of Rural Activity Centers and General Rural Use Areas. There are four Rural Activity Centers, where limited residential and non-residential development is permitted, consistent with the availability of public services. The General Rural Use Areas contain most of the farmland in the county as well as other rural land and some very low density residential development. Environmentally sensitive areas, such as floodplains and steep slopes, are classified as special consideration areas, essentially unsuitable for any type of development within both the Urban and Rural Areas.

Implementation. The city-county government has two major strategies for implementing the comprehensive growth plan. the first is the programming of capital improvements, such as sewer and water lines, roads, and schools. Controlling the

SUB-STATE GROWTH MANAGEMENT

LEXINGTON-FAYETTE URBAN COUNTY, KENTUCKY - continued

timing and location of sewer lines is an especially important growth management tool, since state regulations prohibit residential development using on-site disposal systems except at very low densities. The County's policy is that sewers are not to be extended into the Rural Service Area, and other capital improvements and services are to be provided only to the extent necessary to maintain rural service standards. In this way, growth is channeled into the Urban Service Area and away from farming areas.

The second means for implementing the comprehensive plan is through zoning restrictions. Specifically, agriculture in the Rural Service Zone is included in an A-R (Agricultural Rural) zone, which prohibits industrial and most commercial uses, and permits single-family housing on minimum ten acre lots. While this regulation does not constitute exclusive agricultural zoning, it nevertheless precludes most development, since ten-acre lots are expensive. Agricultural land within the Urban Service Area is currently protected by similar zoning restrictions under the A-U (Agricultural Urban) Zone, although it is expected that as urbanization spreads, these areas will be rezoned at some time in the future.

- B. Experience: The Rural Service Area Contains about 94 percent of the horse farms in the County, or 35,840 acres.
- C. Other Programs: Differential Assessment: Deferred Taxation (Ky.)
Differential Appraisal, Inheritance, and
Estate Taxation (Ky.)*
- D. For Additional Information: Mark E. Gentry, Division of
Planning, Lexington-Fayette Urban County Government, 227 North
Upper Street, Lexington, KY 40507. Tel.: (606) 252-8808.

METROPOLITAN GROWTH MANAGEMENT

TWIN CITIES METROPOLITAN AREA, Minnesota

Population '78: 1,990,760	Total land area: 2,783 sq. mi.
Pop'n change '70-'78: 6%	Land in farms '78:
Pop'n per sq. mi. '78: 715	Harvested cropland '78:
Importance of Agric. ('77):	Prime farmland '67: 516,462 ac. (29%)
9.8% employed residents	Farms less than 50 ac. ('78):
5.9% personal income	Mkt. value prod. per acre ('78):

A. Description of Program

Minnesota statutes, section 473.145, 1978 authorizes the metropolitan council of the Twin Cities area to "prepare and adopt...a comprehensive development guide for the metropolitan area." The metropolitan area includes the counties of Aroka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

The Development Framework. The general plan for guiding growth in the Twin Cities Metropolitan Area is called the Development Framework. Its six stated purposes are to maintain the high quality of life in the Twin Cities Area, to accommodate projected growth rationally and economically, to determine priorities for metropolitan public investments, to ensure adequate housing at a reasonable cost, to protect the environment while ensuring economic growth, and to guide growth and development decisions at all levels of government. Toward these ends, a series of policy statements which serve to define the specific objectives of the growth plan have been formulated, and were adopted by the Metropolitan Council in 1975. The delineation of an Urban Service Area and a Rural Service Area forms the basis of the Development Framework. The Urban Service Area includes the existing metropolitan centers (Minneapolis and St. Paul), fully developed suburban areas, an area of planned urbanization encompassing developing suburban areas, and a number of freestanding growth centers (small towns) located in the rural sections of the region. Future population growth and economic development are to be directed primarily to the area of planned urbanization and to a lesser extent to the freestanding growth centers. The remainder of the region is designated as the Rural Service Area, and agriculture is to be protected from urban encroachment in this area.

Implementation. The implementation of the Development Framework is being accomplished primarily in two ways--through the provision of sewers and other capital facilities only within the boundaries of the Urban Service Area, and mandatory land use planning, regulation, and capital programming at the local

METROPOLITAN GROWTH MANAGEMENT

TWIN CITIES METROPOLITAN AREA, Minnesota - continued

level, consistent with the regional growth plan. In addition, the Metropolitan Council drafted the Agricultural Preserves Act of 1980, which mandates exclusive agricultural zoning at the local level in exchange for certain economic benefits for farmers.

- B. Experience: Rural Service Area contains approximately 85 percent of the region's farmland.
- C. Other Programs: Differential Assessment: Deferred Taxation (Minn.)
Differential Appraisal, Inheritance, and
Estate Taxation (Minn.)*
Agricultural Districting (Twin Cities)
- D. For Additional Information: James Schoettler or Robert Davis,
Metropolitan Council, 300 Metro Square Building, Seventh and
Robert Streets, St. Paul, Minn. 55101. Tel.: (612) 291-6464.

21. STATE DEVELOPMENT PERMIT SYSTEMS

STATE DEVELOPMENT PERMIT SYSTEMS

CALIFORNIA

Population '78: 22,294,165
Pop'n change '70-78: 12%
Pop'n per sq. mi. '78: 266
Importance of Agric. ('77)
3.0% employed residents
2.8% personal income

Total land area: 83,917 sq. mi.
Land in farms '78: 33,326,947 ac. (62%)
Harvested cropland '78: 8,908,961 ac. (27%)
Prime farmland '67: 7,151,714 ac. (13%)
Farms less than 50 ac. ('78): 60%
Mkt. value of prod. per ac. ('78): \$282

A. Description of Program

Cal. State Code, Secs. 30241-30242, enacted 1972.

This legislation, approved by voters in 1972, created a coastal commission to plan and regulate development along California's approximately 1,000 miles of coastline. Regulation is carried out through the issuance of development permits on a case-by-case basis. The state authorities do the regulating until local governments have developed local coastal programs (LCPs) and have had them certified by the Coastal Commission. Then the local government assumes the responsibility of issuing coastal development permits based on the policies contained in the LCP.

The local policies are supposed to be consistent with the goals of the state program which include protecting prime agricultural land and minimizing conflicts between agricultural and urban land uses.

B. Experience: As of July 1980 fifteen counties, 53 cities, and four ports were implementing or preparing LCPs.

C. Other programs: Differential assessment: restrictive agreements (Ca.), Exclusive Agricultural Zoning (Santa Cruz County), Non-Exclusive Agricultural Zoning (Napa, Sacramento, Santa Barbara, Solano, Stanislaus, Tulare, Ventura, and Yolo counties).

D. For Additional Information: California State Coastal Commission, 631 Howard St., San Francisco, CA. 94105. Telephone: (415) 543-8555.

STATE DEVELOPMENT PERMIT SYSTEMS

VERMONT

Population '78: 486,833	Total land area: 8,836 sq. mi.
Pop'n change '70-'78: 10%	Land in farms '78: 1,756,062 ac. (31%)
Pop'n per sq. mi. '78: 55	Harvested cropland '78: 581,583 ac. (10%)
Importance of Agric. ('77)	Prime farmland '67: 635,009 ac. (11%)
5.1% employed residents	Farms less than 50 ac. ('78): 16%
3.5% personal income	Mkt. value prod. per ac. ('78): \$156

A. Description of Program

Vt. Public Act 250

Enacted 1970.

Scope of Program: Development permit system to screen certain subdivision and development of land with reference to specified criteria, including the protection of prime agricultural soils.

Development Requiring Permit: Subdivisions of more than ten lots; construction of more than ten housing units; development for any purpose other than logging, farming, forestry, and single family dwellings on more than one acre in towns with no permanent zoning and subdivision laws or on more than 10 acres in towns with such laws; and all construction of any size or kind at elevations greater than 2500 feet.

Permit Application Process: A State Environmental Board of nine members and seven District Environmental Commissions are appointed by the governor and charged with administering the permit system. Application for a development permit is made to the local District Environmental Commission. The Commission must solicit advice from the State Agency for Environmental Conservation, the municipal government, and the relevant regional planning commission, hold a public hearing, and issue findings of fact and conclusions of law. The Commission will then either grant the permit, grant a permit with conditions, or deny the permit. Decisions may be appealed by the developer to the State Environmental Board and ultimately to the State Supreme Court.

Review Criteria for Development of Primary Agricultural Soils: The development must not significantly reduce the agricultural potential of the primary agricultural soils. Development will be permitted if the applicant can realize a reasonable return on the fair market value of his land only by devoting the primary agricultural soils to uses which will significantly reduce their agricul-

STATE DEVELOPMENT PERMIT SYSTEMS

VERMONT - continued

tural potential and the applicant has no other land reasonably suited to development. Development which does occur must be designed to minimize the reduction of agricultural potential and must not significantly interfere with the continued viability of adjacent agricultural or forest lands.

'Primary agricultural soils', as interpreted by the State Environmental Board, "include lands suitable and economically viable for dairy farming and adaptive crops." This includes S.C.S. Class I, II, and III lands.

B. Experience: Few of the development permit decisions made by the District Commissions contain discussion pertaining to agriculture. When farmland preservation is mentioned at all, it seldom warrants serious consideration when compared with economic imperatives. Two cases present exceptions to this general rule. In a case involving an industrial park to be built on farmland near Brattleboro, the District Commission in 1979 denied the permit because of the presence of prime agricultural soils. (The developer has appealed this case to the Environmental Board.) In Stowe, a similar denial by the District Commission was made to protect economical agricultural land, and no appeal has been filed.

C. Other Programs: Differential Assessment: Deferred Taxation (Vt.)
Land Gains Taxation (Vt.)
Differential Appraisal, Inheritance, and
Estate Taxation (Vt.)

D. For Additional Information: Richard Cowart, State Environmental Board, Montpelier. Tel.: (802) 828-3309.

22. INTEGRATED STATE-WIDE PROGRAMS OF INCENTIVES AND CONTROLS

a

INTEGRATED STATE PROGRAM OF INCENTIVES AND CONTROLS: MANDATORY
STATE OF OREGON

Population '78: 2,443,839	Total land area: 45,608 sq. mi.
Pop'n change '70-'78: 16.85%	Land in farms '78: 18,419,254 Ac. (63%)
Pop'n per sq. mi. '78: 53.6	Harvested cropland '78: 3,290,346 Ac. (11%)
Importance of Agric. ('77)	Prime farmland '67: 9.4%
6% employed residents	Farms less than 50 ac. ('78): 51%
2% personal income	Mkt. value prod. per ac. ('78): \$70.00

A. Description of Program

ORS 197

Oregon requires local planning and zoning consistent with state Goals. The Goals are mandatory statewide planning standards. The Agricultural Goal requires that agricultural lands be preserved and maintained for farm use. All Class I-IV soils (in eastern Oregon Class V-VI as well) not committed to a non-agricultural use must be zoned to agriculture in accordance with the state's criteria. Cities must establish urban boundaries to contain new development. Public facilities and services are to be provided at levels suitable for urban uses within the boundaries. Lesser service levels are to be provided outside of the boundaries. Land in farm use qualifies for use value assessment for property tax and state inheritance tax purposes, is exempt from special levies of utility districts, and enjoys right to farm protection.

B. Experience

For a full discussion see Case Study Number 16

C. Other Programs: Preferential Assessment, Exclusive Agricultural Zones.

D. Additional Information:

Land Conservation and Development Commission
State of Oregon
Salem, Oregon 97310

INTEGRATED STATE PROGRAMS OF INCENTIVES AND CONTROLS: VOLUNTARY

STATE OF WISCONSIN

Population '78: 4,675,541	Total land area: 51,776 sq. mi.
Pop'n change '70-'78: 5.8%	Land in farms '78: 18,121,627 Ac. (54.7%)
Pop'n per sq. mi. '78: 90.3	Harvested cropland '78: 9,972,263 Ac.(30.1%)
Importance of Agric. ('77)	Prime farmland '67: 32.6%
7% employed residents	Farms less than 50 ac. ('78): 16%
5% personal income	Mkt. value prod. per ac. ('78): \$192.00

A. Description of Program

WISCONSIN STATUTES 71.09(11); 91.11 - 91.79; as amended
July 1979.

The unique feature of the Wisconsin Farmland Preservation Act is that income tax credits to farmers are predicated upon local planning and zoning aimed at the preservation of agricultural land. The credits available to farmers increase (up to \$4200.00) as farm income decreases and property tax increases. Thus, a farmer with a low family income and high property taxes would be eligible for the maximum amount of credit. Conversely, farmers with higher incomes and lower property taxes would not be eligible for the maximum income tax credit. In order to sustain eligibility of participating farmland owners, local governments, by October 1982, must take action to protect agricultural land through agricultural preservation plans and agricultural zones in the zoning ordinance. If this action is not taken, farmers cannot receive income tax credits. Thus, local governments have considerable incentive to take appropriate planning and zoning action to protect agricultural land.

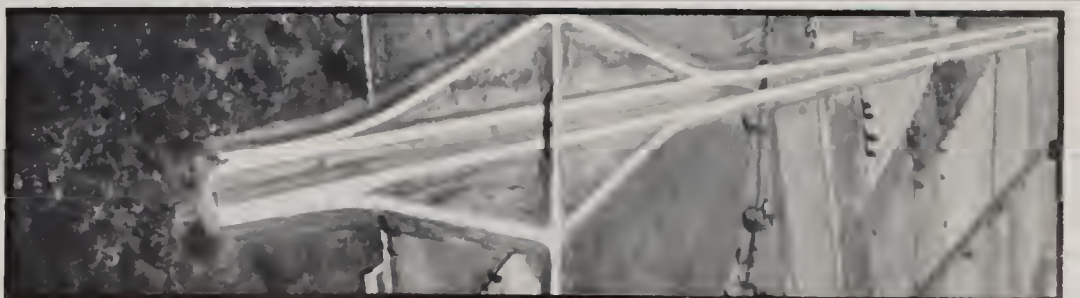
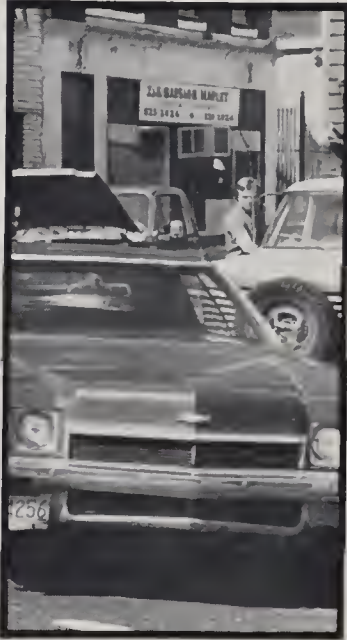
B. Experience

See Case Study Number 17 for a complete discussion.

C. Other Programs: Agricultural Impact Statements

D. Additional Information:

Farmland Protection Unit
Department of Agriculture, Trade and Consumer Protection
801 West Badger Road
Madison, Wisconsin 53713
608-266-1721





National Agricultural Lands Study

New Executive Office Building
722 Jackson Place, N.W.
Washington, D.C. 20006

Robert Gray
Executive Director
Shirley Foster Fields
Information Director

Participating Agencies

Council on Environmental Quality
Department of Agriculture
Department of Commerce
Department of Defense
Department of Energy
Department of Housing and Urban Development
Department of the Interior
Department of State
Department of Transportation
Department of the Treasury
Environmental Protection Agency
Water Resources Council