REPORT TO AG COALITION

Submitted by John Ray
Hawaii Leeward Planning Conference

This report is a brief summary of information gained from specific workshops, my general impression of the American Farmland Trust Organization (AFT), and considerations on their suitability to help deal with our situation in Hawaii. Included are various program / background materials which I brought back for the group.

The majority of the attendees were folks directly involved in land preservation—either public sector employees, or land trust / preservation organizations. There were very few private sector landowners (attendee list is attached). There were 7 – 8 people from Hawaii, all from Maui other than myself.

The conference format included multiple workshops at each session, so I only attended a small portion of the overall program.

The presenters represented a large range (geographically) across the country. A majority of the presenters were not American Farmland Trust staff. If the AFT were to host a workshop in Hawaii, we wouldn’t have direct contact with the diversity of presenters at this conference. I believe the overall conference perspective would have been enhanced; especially property rights issues, if a greater diversity of speakers had been on certain panels.

The following points are of note:

- The current Farmland Bill has increased funding for landowner incentive programs, so the timing is good for land preservation.
- 28 states passed initiatives in the November election for land conservation and preservation.
- Fresno, CA Model (very successful)
  1) Have to start with a clear understanding of what you want to preserve.
  2) Have to plan regionally.
  3) Regulatory framework is essential, but needs to be flexible.
  4) Need a strong civic infrastructure- an interesting note is that the Fresno initiative includes a provision that no school will be built except as a community development center (multi-purpose).
Current trend of case law is that Ag. Land protection will hold up to Takings challenges.

“Right to Farm Law” applications
We need to examine what agriculture needs in order to be viable and be open to a greater array of economic activities with less regulation for farm stands, etc.

Ag Easement Programs- a relatively new program with mixed success to date.

PDR’s seem to be more widely utilized than TDR’s.

Scoring Systems (LESA, etc.) often end up as a generalized stew versus being more discretionary and strategic.

Often open space / rural land protection has the negative result of creating more exclusive and expensive home sites.

Large lot subdivision is a nation-wide phenomena affecting land use.

It is not just open space- you can’t have farmland without farmers- need less regulation for farm stands, employee housing on farms, etc.

Skagit County, Washington- a good model.

Massachusetts Ag. Viability Program (TDR’s, easements, Implementation Grants, Bond Financing)

Kane County, IL- Farmland Protection Program
Fifth most populous county in Illinois (400,000 pop.), 40 miles from Chicago, traditional commodity crops with high value farmland (beans and corn), Growth Management Plan (not a lot of regulatory teeth in plan, but has strong public support and political clout). Hired AFT to help create a plan that relies mostly on purchase of Ag. easements (funding from riverboat gambling revenue) and have purchased 37 farms (5,400 acres) to date. A copy of the plan is included.

If you want to protect farmland you need to build better cities. Encourage In Fill, Brownfield redevelopment, neutralize Nimby’s, fiscal incentives.

Comprehensive farmland preservation involves drawing a line- whatever you do on one side of the line will effect the other side. You need to have flexible zones on either side of the line.
Ag, Conservation, and Wildlife- Endangered Species
Need to put more emphasis on management versus acquisition. Need to focus on partnership programs.
1) Partners for Fish and Wildlife systems (flexible to accommodate small landowners).
2) Private Stewardship Grants.
3) Landowner incentive program.
“New Environmentalism of Citizen Stewards.” -government finally seeing the benefits of incentives to conserve. “Refuge Overlays” –similar to conservation easements. Farmland cannot become the last resort for habitat protection- or military or private lands. Conservation easements being utilized more to protect encroachment around key resource areas such as military bases, wildlife preserves, etc. The value of grazing as a habitat management tool can be taken into account in lease rate negotiations.

Loudon County, VA (adjacent to Washington, D.C.)
Good example of PDR’s. State tax policy supports by allowing multiple year write off (6 years) to take advantage of being able to write off difference of value of what is paid for easement versus appraised value. County relies heavily on promoting wide variety of EID activities on farms, and directly supports through zoning codes. Pilot funding is through County share of State’s visitor’s tax. Give tax break for pleasure horse industry because they recognize the huge overall positive economic impact. Promote innovative economic activities (dinner in the garden under a tent, with commercial kitchen available for producing value added products). Center for Rural Innovations created central / regional farmers market to focus on a more prosperous rural community. The goals: 1) make more money in farming, 2) make a more prosperous rural community, 3) preserve Ag land.

Entrepreneurial Farmland Protection
Often farms not considered business by Eco. Development Groups. Farmers need new skills and partners. Recognize all benefits including pollution protection, erosion control, habitat, quality of life, and lower taxes. Emphasize strategic economic attention and business training and incentives.

Ag is changing- you are either big, or fast. More entrepreneurial. Intensive / rotation grazing. Progressing needs. New generation co-ops- more sales and marketing oriented. Pre-selling harvest shares. Dedication of Ag parks. Business plans, grants for implementation, easements.
Linn County, Iowa  (LESA Model)
Best workshop I attended. Handout included.
Chief pressure- annexation and rural / residential development. Each city / urban area has growth boundaries with transition areas. Since development of plan, has produced 100% agreement with Department recommendations and complete approval by Board of Supervisors. Provides key predictability for development community. Key adaptive LESA system tailored to their local conditions- score criteria set to meet growth goals- very objective. Numbers are developed by ordinance. Bonus point provisions for protecting conservation or Ag land through certain design standards- to encourage more appropriate development, but still have to be within 10% of goals.

Conclusions

I was impressed with the overall quality of information and the AFT staff. We (Hawaii folks) had breakfast with the AFT staff and expressed our various viewpoints and concerns to insure the most value should they visit Hawaii. Jill Schwartz and Robert Wagner were the two names I remember. I think the key is for the Ag Coalition to clearly define ahead of time what we want to address / achieve, who needs to be at the table, furnish them with local Ag economics and land values, and for them (AFT) to clearly understand the existing regulatory environment in Hawaii and how it works from a practical land use standpoint.

My strongest impression from the conference is that local solutions utilizing a wide variety of tools are what works. Quoting one of the LESA Model handouts, “the true strength of the Fairfield County LESA Model is that all factors, in addition to the scoring and weighing regimes were developed locally. This localized model development process provided government officials, in addition to taskforce and steering committee members, the opportunities to construct the model based on the unique characteristics of Fairfield County.” It is also abundantly clear that economic incentives / strategies are equally important to regulatory tools.