

Request from Easton Agricultural Commission to recommend use of Farmland Preservation Fund to secure Development Rights for 37.29 Acres of Easton Farmland

Executive summary:

The State of Connecticut, through the Department of Agriculture, and The Connecticut Farmland Trust, has entered into an agreement to purchase the development rights to 37+ acres of farmland in Easton.

A permanent restriction on non-agricultural uses will be placed on the deed to this property. The land remains in private ownership and the landowner continues to pay local property taxes and retains all other rights and responsibilities associated with being a property owner.

Easton's participation will not involve any liability or require additional oversight. The role of administration and enforcement of the agricultural conservation easement will be the responsibility of the State of Connecticut and the Connecticut Farmland Trust.

The majority of the cost, \$544,434, is being supplied by the Federal government, the State of Connecticut, and the Connecticut Farmland trust. The Town of Easton is expected to contribute \$26,804.25.

Easton has access to a fund established by Will Tressler from private donations in 1985 specifically for farmland preservation. We recommend that the Town utilize this fund for the Town's contribution. Thus, there would be no cost to taxpayers.

The deal, once put together by the State and accepted by the farmer, was presented to the Easton Agricultural Commission for consideration. Members of the Ag Commission and the Town of Easton became involved in the deal under conditions of strict confidence and thus were prevented from discussing it with other entities until recently. We do not have the option to change anything in the agreement, only whether we participate in the project as a funding partner.

The Agricultural Commission unanimously recommends that the town of Easton take this opportunity to preserve this 37+ acres of Easton Farmland and that the Farmland Preservation Fund be leveraged to meet the Town's contribution.

The Agricultural Commission did not exist when the Farmland Preservation Fund was created. The Easton Conservation Commission was assigned as advisor to the Board of Finance concerning use of the fund so it falls to the Conservation Commission to make the formal recommendation to Board of Finance as to the use of the funds.

The deal is set to close mid-December. Easton must have a check made out to the farm owner by the end of November. The Board of Finance meets on November 10th. The Ag Commission requests that the Conservation Commission review the request and formulate a recommendation to the Board of Finance so that they may discuss and take possible action at their November 10th meeting.

Farmland Preservation Project Overview:

The State of Connecticut Department of Agriculture preserves farmland by acquiring development rights to agricultural properties. This is done through its Farmland Preservation Program.

A permanent restriction on non-agricultural uses is placed on the deed to these properties. The farms remain in private ownership and the landowner continues to pay local property taxes and retains all other rights and responsibilities associated with being a property owner. The program is voluntary and gives farmers a realistic alternative to selling their land for residential development.

When a farmer, who must be the landowner, sells his or her development rights, a legal document known as an agricultural conservation easement is created to restrict in perpetuity the use of land to farming or forestry. The easement permanently limits residential, commercial, or industrial development of a property in order to protect its agricultural value. The easement is attached to the landowner's deed and stays on the deed even if the land is sold or passed on through inheritance, thereby assuring that development will not occur on that property. The easements are permanent and part of the land deed which is recorded in the local land records.

Applications are evaluated according to state regulation criteria which recognize the benefits of clustering farms with a high percentage of prime farmland soils in active farm communities like Easton.

As of July 2019, the program has preserved more than 44,500 acres on 370 farms. The long-term goal is to preserve 130,000 acres.

In 2017 the Ag Commission negotiated the signing of the partnership between the Town of Easton and the Department of Agriculture with the signing of an agreement (attachment 1 - Partnership Agreement) with the state to participate in the Community Farms Preservation Program (C.G.S. Section 22-26nn). It is because of our participation in the program that we have been invited to be a part of this current deal to permanently protect 37.29 acres of farmland owned by the Barney's (aka Lakeview Orchard) by placing a permanent restriction on the property that limits its use to agriculture and forestry only. The Barney's applied for the permanent protection of their farmland through the State Farmland Preservation Program and the state approved the application. The Connecticut Farmland Trust, Inc. and the State of Connecticut, Department of Agriculture, are joint parties to an executed joint offer agreement to purchase the development rights for 37.29 acres through the Community Farms Preservation Program (C.G.S. Section 22-26nn).

The final purchase price was determined by the final restricted farmland acreage of 37.29 acres as shown on an A-2 survey entitled *"Monumented Property Survey Plan Prepared for State of Connecticut Department of Agriculture Farmland Preservation Program and Connecticut Farmland Trust, 206 Everett Road, Easton, Connecticut, Map of Property of Joan Barney & David Barney, Total Acres Owned: 37.59+/-, Total Restricted Farmland Acres: 37.29+/-, Date: 1/22/2019, Scale: 1" = 80', Project #2018178."* (attachment #2 A2 survey + attachment # 3 aerial view showing the exclusion of the cell tower)

Here is a look at the deal:

The Connecticut Farmland Trust, Inc. and the State of Connecticut, Department of Agriculture are joint parties to an executed JOINT OFFER AGREEMENT TO PURCHASE THE DEVELOPMENT RIGHTS TO FARMLAND for Barney for \$14,600 per acre, totaling \$544,434 total for 37.29 restricted acres based on an A-2 survey, through the Community Farms Preservation Program (C.G.S. Section 22-26nn),

- The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) will contribute funding of up to \$330,000 for this parcel on a fiscal year 2018 joint Agricultural Lands Easement (ALE) Cooperative Agreement with the State, CFT, and USDA-NRCS.
- The State shall pay \$4,312/acre for \$160,825.50
- CFT and the Town of Easton shall contribute \$1,438/acre for \$53,608.50 of the remaining purchase price. CFT and the Town each pay \$719/acre or approximately \$26,804.25.

The Easton Ag Commission uses the State's application ranking system to prioritize farmland preservation goals in Easton. The following criteria is used:

- quality of farmland (based on soil quality)
- size of farm and proximity to other active agricultural land
- local support for farmland preservation
- development pressure
- other features (such as important natural areas or archaeological sites)
- financial considerations - whether the landowner is willing to agree to the determined offer amount of the purchase of the development rights
- proximity to other protected land

It is not often that a Fairfield County farmer agrees to the settlement at the price being offered by the State for the purchase of the development rights given the inflated property values in Fairfield County as compared to the rest of the state.

Easton's participation will not involve any liability or require additional oversight. The role of administration and enforcement of the agricultural conservation easement will be the responsibility of the State and the Connecticut Farmland Trust. The easement will become a permanent part of the land deed which will be recorded in our Easton land records.

We have the proposed agreement to enter into a Funding Partnership Agreement. The Town's contribution would be \$26,804.25 (attachment #4 – Joint Agreement)

Thus we are presented with the opportunity to use the Farmland Preservation fund, a fund established in 1985 through private donations for the sole purpose of preserving Easton farmlands. The founder of the fund, the late Will Tressler, was a longtime proponent of maintaining and developing Easton agriculture. His vision was to see the funds used for exactly this purpose: to fund farmland preservation and gain visibility and support for strengthening Easton as a sustainable agricultural community. The Easton Agricultural Commission is strongly in favor of this project insofar as it could serve as a textbook example of the purpose for which the fund was created. We unanimously recommend that \$26,804.25 be released from the fund for Easton to participate in this agreement.

We ask that the Conservation Commission come to an immediate decision about the request for funding on behalf of the Agricultural Commission's recommendation and forward their own recommendation to the Board of Finance prior to their meeting on November 10th. We apologize for the short notice. Per state agency guidelines, the Agricultural Commission has only recently been able to share the agreement terms, and then only with the understanding that we would maintain confidentiality. We are only now able to present this information.

Respectfully Submitted by Jean Stetz-Puchalski, Chair, Easton Agricultural Commission

Fig 1-3: Aerial view showing protected boundary lines and exclusion of cell tower; A2 survey. Also attached to the email.

Barney (Lakeview Orchards) Boundary Map



Data sources: Protected Property boundary lines estimated from survey; USGS Ortho Imagery from CT ECO (Spring 2019)
 Created by: Kathleen Doherty, CFT (October 6, 2020)
 Note: The Protected Property boundary line depicted is for general reference – the measurements are not to scale. The Property Description in the conservation easement should be used to locate the precise easement boundary.

Figure 1 Aerial view showing protected boundary lines and exclusion of cell tower

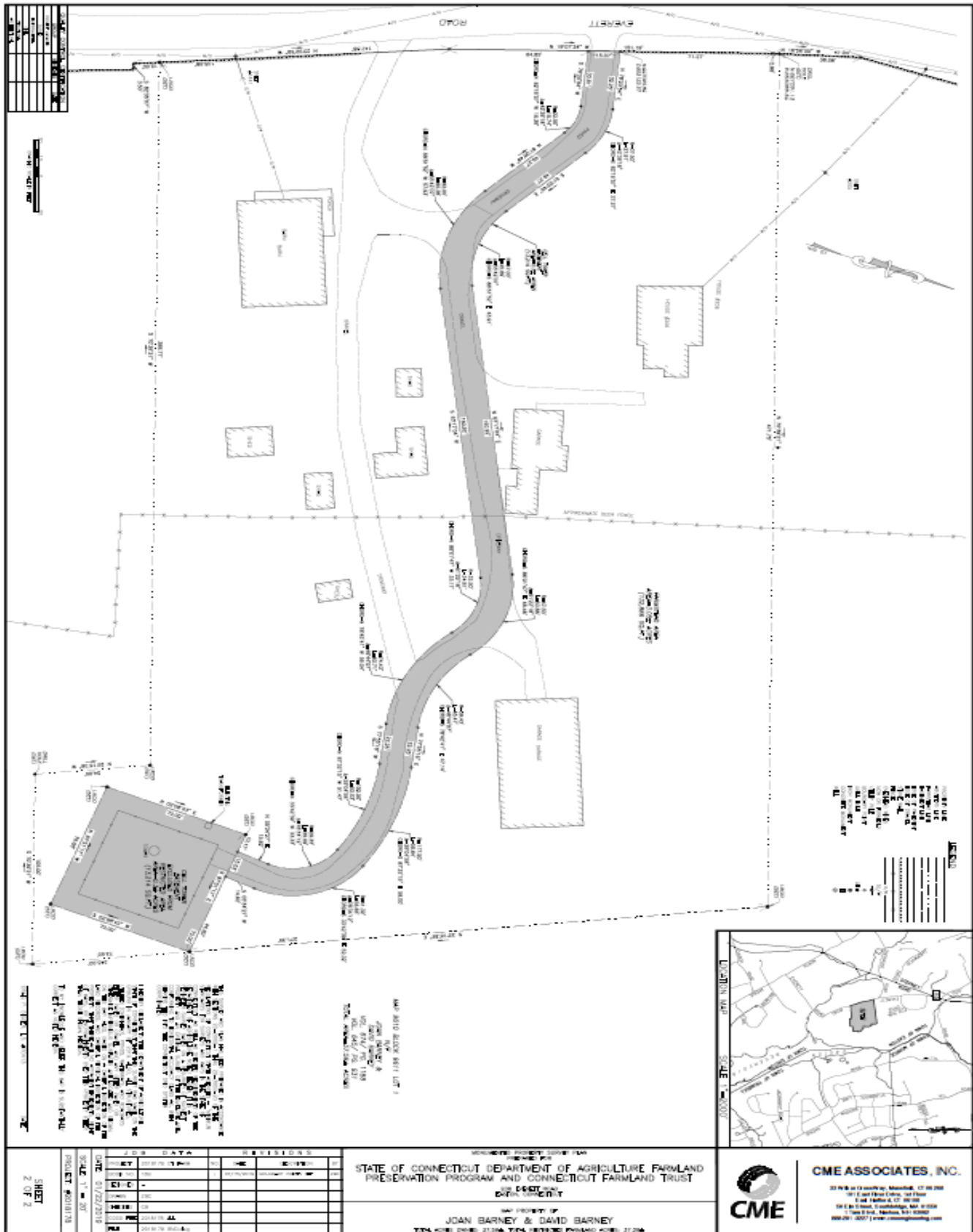


Figure 3: A2 survey sheet 2